

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 22-401, Workforce Development System Transparency Act of 2017
- D.C. Council schedules a public oversight hearing on the “State of Obstetric Services at the United Medical Center”
- D.C. Commission on the Arts and Humanities announces funding availability for the FY 2018 Public Art Building Communities Grants Cycle 2
- Department of Health sets LGBT training as a continuing education requirement for most professions
- Department of Human Services solicits grant applications for the FY 2018 District of Columbia Flexible Rent Subsidy Pilot Program
- Department of Small and Local Business Development announces funding availability for the Healthy Foods Retail Program Grant, “Grown in DC”
- Office of Tax and Revenue announces an increase in the Tax Year 2018 surtax for cigarette packages in the District of Columbia

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

RM 520 – 441 4th ST, ONE JUDICIARY SQ. - WASHINGTON, D.C. 20001 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

A RESOLUTION

22-173

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To confirm the reappointment of Mr. Robert Miller to the Zoning Commission for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Zoning Commission for the District of Columbia Robert Miller Confirmation Resolution of 2017”.

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Robert Miller
3305 35th Street, N.W.
Washington, D.C. 20016
(Ward 3)

as a member of the Zoning Commission for the District of Columbia, established by section 1 of An Act To regulate the height, area, and use of buildings in the District of Columbia and to create a Zoning Commission, and for other purposes, approved March 1, 1920 (41 Stat. 500; D.C. Official Code § 6-621.01), for a term to end February 3, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-125

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and commemorate the Child Health Advocacy Institute on its 10th anniversary.

WHEREAS, the Child Health Advocacy Institute was the first hospital-based center at Children’s National Health System focused on developing outreach programs and championing policies that build healthier lives for children;

WHEREAS, the Child Health Advocacy Institute was established in 2007 and founded by Dr. Joseph L. Wright with the support from Jacqueline D. Bowens and Senior Hospital Leadership and has expanded under the leadership of Tonya V. Kinlow;

WHEREAS, the Child Health Advocacy Institute works both on the ground and with policymakers to combat pressing health issues using a population health approach;

WHEREAS, the Child Health Advocacy Institute has affected change in pediatric health outcomes through initiatives pertaining to oral health, immunizations, mental health, injury prevention, and access to care;

WHEREAS, the Child Health Advocacy Institute has been instrumental in addressing pediatric population health through citywide collaboration, identifying best practices for programming, providing advocacy training to medical residents, being stewards of corporate financial and compliance efforts through community benefit activities, and providing a multitude of platforms for data availability and transparency; and

WHEREAS, the Child Health Advocacy Institute has informed policy related to the well-being of children on a local, state, and federal level.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Child Health Advocacy Institute 10th Anniversary Recognition Resolution of 2017”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia commends the Child Health Advocacy Institute on its 10th anniversary and its invaluable work to improve the health and wellness of children in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-136

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and honor Reverend Ernest D. Lyles, Sr. for his tireless leadership in pastoring the Brighter Day United Methodist Church and in developing the Brighter Day Family Life Center and other programs that have improved the quality of life of District of Columbia residents.

WHEREAS, Reverend Ernest D. Lyles, Sr. is a native Washingtonian and tireless advocate for the poor and the community;

WHEREAS, the dedication of Reverend Ernest D. Lyles, Sr. to the community and leadership in the District has been unwavering;

WHEREAS, Reverend Ernest D. Lyles, Sr. graduated from Spingarn STAY High School;

WHEREAS, Reverend Ernest D. Lyles, Sr. earned an Associate Degree in Business Management from the University of the District of Columbia (formerly Washington Technical Institute), a Bachelor of Arts Degree in Business Administration from Southeastern University, a Master of Divinity Degree from Howard University School of Divinity, and a Master of Arts Degree in Counseling from West Virginia University;

WHEREAS, Reverend Ernest D. Lyles, Sr. is a longtime District resident and well-known pastor of Brighter Day United Methodist Church in Ward 8, which was formed through the merger of A.P. Shaw United Methodist Church and Congress Heights United Methodist Church;

WHEREAS, Reverend Ernest D. Lyles’s distinguished contributions to education in the District of Columbia includes service as a Student Representative on the Johnson Jr. High Local School Board and the Anacostia Community School Board;

WHEREAS, under the leadership of Reverend Ernest D. Lyles, Sr., Brighter Day Ministries established the Brighter Day Family Life Center to provide programs and support services that have improved the quality of life of District of Columbia residents;

ENROLLED ORIGINAL

WHEREAS, the Brighter Day Family Life center has provided a community food pantry, a community clothes bank, an employment readiness and adult literacy, GED classes, substance abuse counseling, and the AIM High Youth Leadership Academy;

WHEREAS, under the leadership of Reverend Ernest D. Lyles, Sr., Brighter Day Ministries has expanded services to the community with programs that include a Back to School Community Festivals, basketball tournaments, a Children and Youth Day, and the Brighter Day Enrichment Academy;

WHEREAS, under the leadership of Reverend Ernest D. Lyles, Sr., Brighter Day Ministries has been a strong and effective advocate for affordable housing, especially for the Parkway Overlook Housing Development; and

WHEREAS, Reverend Ernest D. Lyles, Sr. is the founder and president of El Shaddai International, a global nonprofit designed to alleviate poverty through education and economic empowerment programs, which opened the Greta D. Shepherd Community School in Anyaa Village of Ghana, West Africa;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Reverend Ernest D. Lyles, Sr. Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia joins the community of Brighter Day Ministries, Ward 8, and the entire District of Columbia to recognize, honor, and celebrate Reverend Ernest D. Lyles, Sr. for his decades of service to the District of Columbia as he retires from preaching at Brighter Day Ministries

Sec. 3. The resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

**Council of the District of Columbia
Committee on Government Operations
Notice of a Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 117 Washington, DC 20004

**Councilmember Brandon Todd, Chair
Committee on Government Operations**

Announces a Public Hearing

on

B22-165 - The Grant Administration Amendment Act of 2017

**Tuesday, October 24, 2017, 1:00 P.M.
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Brandon Todd announces the scheduling of a public hearing by the Committee on Government Operations on B22-165, the “Grant Administration Amendment Act of 2017”. The public hearing is scheduled for Tuesday, October 24, 2017 at 1:00 p.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B22-165 makes it unlawful for a grantor to require a person applying for a grant to disclose whether the applicant or the applicant's agents have been charged, indicted, or convicted of an offense, or is the subject of legal proceedings related to the applicant's organization.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Government Operations at (202) 724-6663 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Monday, October 23, 2017. 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 public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Friday, November 3, 2017. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION,
COMMITTEE OF THE WHOLE
NOTICE OF JOINT PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE ON

Bill 22-0316, “Housing Production Trust Fund Advanced Solicitations Amendment Act of 2017”

Bill 22-0023, “Local and Small Business Equity and Development Participation Amendment Act of 2017”

AND A JOINT PUBLIC HEARING WITH

**CHAIRMAN PHIL MENDELSON, CHAIR
COMMITTEE OF THE WHOLE**

and

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

on

Bill 22-0226, “Housing Production Trust Fund Guarantee Funding Amendment Act of 2017”

Thursday, October 19, 2017, at 11:00 AM
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, October 19, 2017, Councilmember Anita Bonds and Council Chairman Phil Mendelson, will hold a public hearing before the Committee on Housing and Neighborhood Revitalization on Bill 22-0316, “Housing Production Trust Fund Advanced Solicitations Amendment Act of 2017” and Bill 22-0023, “Local and Small Business Equity and Development Participation Amendment Act of 2017”, and a joint public hearing with the Committee of the Whole and the Committee on Finance and Revenue on Bill 22-0226, “Housing Production Trust Fund Guarantee Funding Amendment Act of 2017”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 11:00 a.m. *This hearing notice has been revised to include the Committee on Finance and Revenue for Bill 22-0226.*

The purpose of Bill 22-0316 is to authorize the Mayor to solicit proposals and rank recipients for the expenditure of uncommitted tax revenues one fiscal year before the revenues are available, with the limitation that no contracts, obligations, or commitments may be made until the fiscal year in which the funds are available

The purpose of Bill 22-0023 is to require the Department of Housing and Community Development give priority consideration to certain developers regarding contracts that include equity and development participation of local, small, or certified business enterprises.

The purpose of Bill 22-0226 is to require the housing production trust fund be supported by \$120 million of the real property tax and the deed recordation tax, combined, or 25% of the real property transfer tax and 25% of the deed recordation tax, whichever is greater.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on October 18, 2017. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on November 2, 2017.

**Council of the District of Columbia
Committee on Government Operations
Notice of a Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 117 Washington, DC 20004

**Councilmember Brandon Todd, Chair
Committee on Government Operations**

Announces a Public Hearing

on

- **B22-0352 - Office of Administrative Hearings Jurisdiction Expansion Amendment Act of 2017**

**Thursday, October 12, 2017, 11:00 A.M.
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Brandon Todd announces the scheduling of a public hearing by the Committee on Government Operations on B22-352, the “Office of Administrative Hearings Jurisdiction Expansion Amendment Act of 2017”. The public hearing is scheduled for Thursday, October 11, 2017 at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B22-352 expands the jurisdiction of the Office of Administrative Hearings (OAH) to include adjudicated cases arising from the Department of Behavioral Health, the Rental Housing Conversion and Sale Act of 1980, cases involving the Department of Energy and the Environment, cases involving the denial or revocation of a notary commission, as well as certain cases involving or arising from the Condominium Act of 1976. OAH's jurisdiction would also include the Department of Insurance, Securities, and Banking, Child Support Enforcement, as well as certain cases involving DC Public Schools and Public Charter Schools.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Government Operations at (202) 724-6663 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Wednesday, October 11, 2017. 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 public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Monday, October 23, 2017. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

**CHAIRPERSON ELISSA SILVERMAN
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

ANNOUNCES A PUBLIC HEARING ON

B22-401, “WORKFORCE DEVELOPMENT SYSTEM TRANSPARENCY ACT OF 2017”

**Tuesday, September 26, 2017, 10:00 a.m.
Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Elissa Silverman, Chair of the Committee on Labor and Workforce Development, announces a hearing on B22-401, the “Workforce Development System Transparency Act of 2017.” The hearing will be held at 10 a.m. on Tuesday, September 26, 2017, in Room 123 of the John A. Wilson Building.

The purpose of B22-401, the “Workforce Development System Transparency Act of 2017,” is to require the Mayor to develop and update annually a report outlining all District government spending on workforce development across agencies, including programs and activities, their funding, services, providers, and performance outcomes.

Those who wish to testify before the Committee are asked to contact Ms. Charnisa Royster at laborworkforcedevelopment@dccouncil.us or (202) 724-7772 by 5:00 p.m. on Friday, September 22, 2017, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral interpretation, if any, they require. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time may be allowed if there are a large number of witnesses.

If a witness is unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at laborworkforcedevelopment@dccouncil.us or mailed to the Committee on Labor and Workforce Development, Council of the District of Columbia, Suite 115 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, October 10, 2017.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC OVERSIGHT HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC OVERSIGHT HEARING ON

“THE STATE OF OBSTETRIC SERVICES AT THE UNITED MEDICAL CENTER ”

**FRIDAY, SEPTEMBER 22, 2017
11:00 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Oversight Hearing on the “The State of Obstetric Services at the United Medical Center.” The hearing will be held on Friday, September 22, 2017, at 11:00 a.m., in Room 500 of the John A. Wilson Building.

On Monday August 7, 2017 the Department of Health placed a restriction on the operating license of the United Medical Center prohibiting the hospital from treating and admitting any new obstetric patients. The 50 year old United Medical Center is the only hospital on the East End of the District and the suspension of obstetric services raises questions of health equity and the availability of inpatient birthing options for the approximately 140,000 residents living in Wards 7 and 8.

The focus of the hearing will be updating the Council and the public on progress towards remedying the deficiencies identified by the Department of Health. The factors leading to the Department of Health’s decision to suspend obstetric services have not yet been made clear by the Department or the Mayor. The Committee plans to hear from the Director of the Department of Health, as well as leadership from the United Medical Center.

Those who wish to testify should contact Malcolm Cameron, Legislative Analyst to the Committee on Health, at 202-654-6179 or via e-mail at mcameron@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Wednesday, September 20, 2017, although all persons who show up at the hearing will be allowed to testify. Persons wishing to testify are encouraged, but not required, to submit 15 copies of their written testimony.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to mcameron@dccouncil.us or mailed to Malcolm Cameron at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 113, Washington, D.C., 20004. The record will close at 5:00 p.m. on Friday, October 6, 2017.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 18, 2017
Protest Petition Deadline: October 2, 2017
Roll Call Hearing Date: October 16, 2017

License No.: ABRA-060603
Licensee: Cavit Ozturk
Trade Name: Café Divan
License Class: Retailer’s Class “C” Restaurant
Address: 1834 Wisconsin Ave, N.W.
Contact: Cavit Ozturk: (202) 338-1747

WARD 2 ANC 2E SMD 2E02

Notice is hereby given that this licensee has requested a Substantial Change to their 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 Roll Call Hearing date on October 2, 2017 at 10 a.m., 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.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Sidewalk Cafe Endorsement with 12 seats.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR PREMISES

Sunday 10 am – 11 pm, Monday through Thursday 11 am – 10:30pm, Friday 11 am – 11 pm, Saturday 10 am – 11 pm

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFE

Sunday 10 am – 10 pm, Monday through Thursday 11 am – 10:30pm, Friday 11 am – 11 pm, Saturday 10 am – 11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 18, 2017
Petition Date: October 2, 2017
Hearing Date: October 16, 2017

License No.: ABRA-103863
Licensee: Chicken and Whiskey, LLC
Trade Name: Chicken + Whiskey
License Class: Retailer's Class "C" Restaurant
Address: 1738 14th Street, N.W.
Contact: Andrew Kline: (202) 686-7600

WARD 2 ANC 2F SMD 2F01

Notice is hereby given that this licensee has requested a Substantial Change to their 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 Roll Call Hearing date on October 16, 2017 at 10 a.m., 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.

NATURE OF SUBSTANTIAL CHANGE

Applicant has requested an Entertainment Endorsement to provide Live Entertainment.

CURRENT HOURS OF OPERATION

Sunday through Thursday 11 am to 2:30 am, Friday and Saturday 11 am to 3:30 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

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

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6 pm to 2 am, Friday and Saturday 6 pm to 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 18, 2017
Protest Petition Deadline: October 2, 2017
Roll Call Hearing Date: October 16, 2017
Protest Hearing Date: December 6, 2017

License No.: ABRA-107167
Licensee: Fantom Comics, LLC
Trade Name: Fantom Comics
License Class: Retailer's Class "D" Tavern
Address: 2010 P Street, N.W., Ste. 3
Contact: David Bishop: (202) 241-6498

WARD 2

ANC 2B

SMD 2B02

Notice is hereby given that this licensee has applied for a new 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 **Roll Call Hearing date on October 16, 2017 at 10 a.m., 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 on **December 6, 2017 at 4:30 p.m.**

NATURE OF OPERATION

New tavern operating as a bookstore and social gathering space with 80 seats and a Total Occupancy Load of 99. The tavern will serve food, beer and wine during periodic events, such as book signings, trivia night, book club meetings, holiday gatherings and readings. Entertainment Endorsement with Cover Charge is requested.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION, AND LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 18, 2017
Protest Petition Deadline: October 2, 2017
Roll Call Hearing Date: October 16, 2017
Protest Hearing Date: December 6, 2017

License No.: ABRA-107258
Licensee: Gravitas NW, LLC
Trade Name: Gravitas
License Class: Retailer's Class "C" Restaurant
Address: 1401 Okie Street, N.E.
Contact: Matthew Baker: 281-627-8865

WARD 5

ANC 5D

SMD 5D01

Notice is hereby given that this licensee has applied for a new 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 Roll Call Hearing date on October 16, 2017 at 10 a.m., 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 on December 6, 2017 at 1:30 p.m.

NATURE OF OPERATION

New restaurant offering fine dining with 60 seats and a Total Occupancy Load of 77. Summer Garden with 16 seats

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES AND FOR SUMMER GARDEN

Sunday 10 am -12 am, Monday Closed, Tuesday through Thursday, 5 pm - 12 am, Friday 5 pm - 1 am, Saturday 10 am - 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 18, 2017
 Protest Petition Deadline: October 2, 2017
 Roll Call Hearing Date: October 16, 2017
 Protest Hearing Date: December 6, 2017

License No.: ABRA-107308
 Licensee: M & A Hospitality, LLC
 Trade Name: TBD
 License Class: Retailer’s Class “C” Restaurant
 Address: 1805 14th Street, NW
 Contact: Andrew Kline: 202-686-7600

WARD 1

ANC 1B

SMD 1B12

Notice is hereby given that this licensee has applied for a new 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 **Roll Call Hearing date on October 16, 2017 at 10 a.m., 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 on **December 6, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A new C restaurant serving American fare with French and Italian influences. Applicant has also applied for a Wine Pub Endorsement. 130 seats and a Total Occupancy Load of 150.

HOURS OF OPERATION

Sunday through Thursday 9 am – 2 am, Friday and Saturday 9 am – 3 am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Saturday 9 am – 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 18, 2017
Protest Petition Deadline: October 2, 2017
Roll Call Hearing Date: October 16, 2017
Protest Hearing Date: December 6, 2017

License No.: ABRA-001324
Licensee: Capital Yacht Club
Trade Name: The Capital Yacht Club
License Class: Retailer's Class "CX" Multipurpose Facility
Address: 800 Wharf Street, S.W.
Contact: Guy Shields: (202) 488-8110

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has requested to transfer the license to a new location under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on October 16, 2017 at 10 a.m., 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 on December 6, 2017 at 4:30 p.m.

NATURE OF OPERATION

Licensee requests to transfer license from 660 Water Street, S.W. to a new location at 800 Wharf Street, S.W. Establishment is a Retailer's Class C Multipurpose Facility which includes live entertainment.

CURRENT HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION/LIVE ENTERTAINMENT

Sunday 10:00 am to 2:00 am, Monday through Saturday 8:00 am to 2:00 am

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF PUBLIC HEARING AND
SOLICITATION OF PUBLIC COMMENT****Fiscal Year 2018 DCA Airplane Noise Assessment**

The District Department of Energy and Environment (the Department) is requesting public input on portions of a draft Statement of Work (SOW) to conduct a technical analysis of airplane noise impacts related for flight path changes at the Ronald Reagan Washington National Airport (DCA). Comments on the accuracy and relevancy of technical aspects of the draft work plan are welcome, as are suggestions on approaches to conducting technical aviation-related study most effectively.

The current Ronald Reagan International (DCA) Airport Airplane Noise Project will end September 31, 2017. The District has allocated funding for Phase 2 of the DCA Airport Airplane Noise Project for Fiscal Year 2018. The purpose of this public meeting is to request information from citizens regarding the scope and goals of the FY 2018 DCA Airport Airplane Noise Project.

This notice of public hearing and solicitation of public comment is not begin posted as an actual SOW at this time, nor does it constitute a Request for Proposal (RFP) or Request for Applications (RFA) or a promise to issue an RFP or RFA in the future. Respondents are advised that DOEE will not pay for any information or administrative costs incurred preparing comments in response to this notice; all costs associated with responding to this notice will be solely at the interested party's expense. Not submitting comments does not preclude participation in any future RFP or RFA.

Public Hearing: Monday, August 28, 2017

HEARING DATE: Monday, August 28, 2017
TIME: 5:00 pm
PLACE: Georgetown University Campus
3700 O Street NW, Washington, DC 20057
Healy Hall Room 200

A person may send their comments by:

Email to mark.adams@dc.gov with “**2018 DCA Airport Airplane Noise Report**” in the subject line.

Write the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: Mark Adams RE: FY18 **DCA Airport Airplane Noise Report**” on the outside of the envelope.

The deadline for comments is at the conclusion of the public hearing. All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit duplicate copies of their written statements.

Persons may also submit written testimony by email, with a subject line of “FY18 DCA Airplane Noise Assessment”, to mark.adams@dc.gov . Comments clearly marked “FY18 DCA Airplane Noise Assessment” may also be hand delivered or mailed to the Department’s offices at the address listed above. All comments must be received no later than the conclusion of the public hearing on Monday, August 28, 2017.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of Center City Public Charter School's (Center City PCS) request to amend its charter goals and academic achievement expectations. Center City PCS will be up for its 10-year charter review in SY2017-2018 and effective immediately, would like to amend its goals and academic achievement expectations to adopt DC PCSB's Performance Management Framework as its performance targets.

A public hearing will be held on September 18, 2017 at 6:30 p.m.; a vote will be held on October 16, 2017. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on September 18, 2017.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpcsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above

2. Sign up to testify in-person at the public hearing on September 18, 2017 to public.comment@dcpcsb.org no later than 4 p.m. on September 14, 2017. Each person testifying is given two minutes to present testimony.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, OCTOBER 4, 2017
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.

TIME: 9:30 A.M.

WARD SIX

19556 **Application of 304, 306, 308 K Street NE, LLC**, pursuant to 11 DCMR Subtitle ANC 6C X, Chapter 9, for special exceptions under Subtitle C § 1500.4 from the general penthouse regulations and under Subtitle C § 1504 .1 from the penthouse setback requirements of Subtitle C § 1502.1(c), and pursuant to Subtitle X, Chapter 10, for a variance from the minimum lot dimension requirements of Subtitle E § 201.1, to subdivide two existing lots into three record lots and to construct three attached flats in the RF-1 at premises 304, 306, and 308 K Street N.E. (Square 774, Lots 63 and 64).

WARD FIVE

19558 **Application of 1240 Mount Olivet Road LLC**, pursuant to 11 DCMR Subtitle ANC 5C X, Chapter 9, for a special exception under Subtitle C § 703 from the minimum parking number requirements of Subtitle C § 701.5 , to construct a self-storage facility in the PDR-1 Zone at premises 1240 Mount Olivet Road, N.E. (Square 4092, Lot PAR 141/79).

WARD ONE

19560 **Application of Adam Ross and Peng Wu**, pursuant to 11 DCMR Subtitle X, ANC 1D Chapter 9, for a special exception under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 at premises 1739 Harvard Street N.W. (Square 2588, Lot 160).

WARD SIX

19567 **Application of Aung Myint**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a ANC 6E special exception from the penthouse requirements under Subtitle C § 1500.3(c) , and pursuant to Subtitle X, Chapter 10, for an area variance from the floor area ratio requirements of Subtitle G § 402.1, to convert the third and fourth floor of an existing four-story mixed use building from a two-story residential apartment into a two-story restaurant with a roof deck in the MU-4 zone at premises 1501 9th Street N.W. (Square 397, Lot 33).

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WARD SIX

19574 **Application of Shirley Taylor**, pursuant to 11 DCMR Subtitle X, Chapter 9, for
ANC 6C a special exception under Subtitle U § 320.2 from the maximum number of
dwelling units permitted under Subtitle E § 502.2, to convert an existing two-
family flat into a three-unit apartment house by constructing a dwelling unit in an
existing accessory building in the RF-3 Zone at premises 10 3rd Street N.E.
(Square 759, Lot 838).

WARD SIX

19575 **Application of Ruth Fisher**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a
ANC 6C special exception under Subtitle E § 5201.1(f) from the nonconforming structure
requirements of Subtitle C § 202.2, and pursuant to Subtitle X, Chapter 10, for a
variance from the height requirements of Subtitle E § 303.1, to construct a partial
rooftop addition to an existing two-family flat in the RF-1 at premises 104 8th
Street N.E. (Square 896, Lot 34).

WARD FOUR

19581 **Application of Latin American Montessori Bilingual Charter School**,
ANC 4C pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under
Subtitle U § 205.1(a), to establish a public charter school in the R-16 Zone
at premises 5000 14th Street N.W. (Square 2711, Lot 802).

WARD SIX

19582 **Application of David and Lesly McNitt**, pursuant to 11 DCMR Subtitle X,
ANC 6E Chapter 10, for area variances from the lot occupancy requirements of Subtitle E
§ 304.1 and the nonconforming structure requirements of Subtitle C § 202.2, to
replace an existing balcony and staircase with a new second floor balcony on an
existing one-family dwelling in the RF-1 at premises 1601 8th Street N.W.
(Square 420, Lot 801).

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 Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the

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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 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.

**Note that party status is not permitted in Foreign Missions cases.*

Do you need assistance to participate?

Amharic

ለሙከራ ቦርድ ላይ ለመገኘት ለማድረግ ይህን ድጋግ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሙከራ በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o

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interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

**FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
ONE BOARD SEAT VACANT
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, October 12, 2017, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 06-110 (George Washington University – Campus Plan Amendment Foggy Bottom Campus @ Square 75, Lot 51 – 2121 I Street, N.W.)

CASE NO. 06-120 (George Washington University & Boston Properties – Modification of Significance of the First-Stage PUD; Second-Stage PUD; and Related Zoning Map Amendment @ Square 75, Lots 50 & 51 – 2100 Pennsylvania Avenue, N.W. & 2121 I Street, N.W.)

THIS CASE IS OF INTEREST TO ANC 2A

On April 13, 2017, the Office of Zoning received two applications from The George Washington University (the “University”) and Boston Properties, Inc. (together, “Applicant”). Pursuant to Subtitle X, Chapters 1 and 3 and Subtitle Z, Chapter 3 of the Administrative Regulations, the Applicant is requesting review and approval of an amendment to a Campus Plan, a modification of a first-stage planned unit development (“PUD”), a second-stage PUD, and a related Zoning Map amendment to allow the construction of a new office building with ground floor retail. The Applicant requested, and the Zoning Commission agreed, that the applications be heard and considered together.

The property that is the subject of this application consists of approximately 50,780 square feet of land area and is comprised of two record lots: Lots 50 and 51. Lot 51 is part of Development Site 75B in the George Washington University 2007 Foggy Bottom Campus Plan (“Campus Plan”) in Z.C. Case No. 06-11 and in the first-stage PUD in Z.C. Case No. 06-12. The Campus Plan designated Development Site 75B for academic/administrative/medical use for the University. The first-stage PUD approved height and massing for Development Site 75B.

Lot 50 is located at the east end of Square 75, and it is bounded by Pennsylvania Avenue on the north, 21st Street on the east, I Street on the south, and a public alley on the west. It is improved with an eight-story commercial office building with ground-floor retail uses. Lot 51 is located immediately west of Lot 50 along I Street and is improved with an eight-story office building for the University. Lot 50 is zoned MU-9. Lot 51 was rezoned to C-3-C (now MU-9) as part of the first-stage PUD.

This application proposes to redevelop the subject property for commercial use as an 11-story office building with ground-floor retail and office-supporting uses. The building will have a maximum height of approximately 130 feet, stepping down to a height of approximately 110 feet along I Street. The total gross floor area included in the building will be approximately 453,562 square feet, for a floor area ratio (“FAR”) of approximately 8.93 and a lot occupancy of

approximately 98%. The building will include approximately 335 below-grade parking spaces as well as a loading and service area in the interior of the block, both accessed from I Street.

In order to allow the construction of the proposed building, the Applicant requests the following approvals:

- An amendment to the Campus Plan to change the use designation for Lot 51 to commercial/investment use;
- Modification of the first-stage PUD to divide Development Site 75B into Development Sites 75B1 and 75B2; Development Site 75B1 will include Lots 50 and 51 and will be designated for commercial/investment use with the height and density proposed;
- Second-stage PUD for the proposed building on Development Site 75B1; and
- Zoning Map Amendment for Lot 50 from the MU-9 to the MU-30 zone, which was established by Z.C. Order 17-04, effective July 28, 2017.

On June 16, 2017, the Office of Planning filed a report recommending that the Zoning Commission set the application down for public hearing with requests for additional information. On June 26, 2017 at a regular public meeting, the Zoning Commission set the application down for public hearing and requested additional information about the project. The Applicant filed a pre-hearing statement on July 31, 2017.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Commission's Rules of Practice and Procedure, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, October 19, 2017, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 17-08 (Providence Place I LP – Consolidated PUD & Related Map Amendment @ Square 5194, Lot 824)

THIS CASE IS OF INTEREST TO ANC 7C

On April 7, 2017, the Office of Zoning received an application from Providence Place I LP (“Applicant”) for approval of a consolidated planned unit development (“PUD”) and a Zoning Map amendment from the RA-1 zone to the RA-2 zone for the above-referenced property. The Office of Planning submitted its report to the Office of Zoning on June 2, 2017, and the application was set down for a public hearing by the Zoning Commission on June 12, 2017. The Applicant filed its prehearing statement to the Commission on July 17, 2017.

The subject property consists of approximately 70,712 square feet situated at the western edge of the Progressive National Baptist Convention campus, located at the southeast corner of the intersection of Nannie Helen Burroughs Avenue and 50th Street in northeast Washington, D.C. (“Property”).

The Applicant proposes to redevelop the Property with approximately 100 residential units, comprised of 1-bedroom, 2-bedroom, 3-bedroom, and 4-bedroom units, all of which will be reserved for households with incomes not exceeding 60% of the median family income (“MFI”). Of the 100 units, 35 will be replacement units for the Lincoln Heights/Richardson Dwellings communities controlled by DCHA. Eight of the nine 3-bedroom units and all of the 4-bedroom units will be replacement units. The PUD will have a maximum building height of approximately 31 feet, 10 inches; a density of approximately 1.88 floor area ratio (“FAR”); and 48 below-grade parking spaces.

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| 4. | Individuals | 3 minutes each |

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Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is 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 the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗?如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quí vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመከተል ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አፀኝነት ቀናት በፊት ዜ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of corrections to the Notice of Final Rulemaking issued by the Office of the State Superintendent of Education and published in the *D.C. Register* on December 2, 2016 at 63 DCR 14640.

The final rulemaking amended Chapter 1 (Child Development Facilities: Licensing) of Title 5-A (Office of the State Superintendent of Education) of the District of Columbia Municipal Regulations (DCMR). This errata notice corrects erroneous cross citations.

The corrections to the final rulemaking are made below (additions are shown in **bold underlined** text and deletions are shown in ~~striketrough~~ text):

Chapter 1, CHILD DEVELOPMENT FACILITIES: LICENSING, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:

Section 113, REVOCATION, DENIAL, AND SUSPENSION, is amended as follows:

Subsection 113.6(h)(7) is amended as follows:

113.1 (h)(7) Subject to Subsection 133.109, illegal possession, use, sale, or distribution of controlled substances;

Section 133, SUITABILITY FOR EMPLOYMENT: CRIMINAL BACKGROUND CHECKS, is amended as follows:

Subsection 133.6 is amended as follows:

133.6 A Licensee is not required to submit a request for criminal background check of a staff member if:

(a) The staff member received a background check that meets the requirements in Subsection 132.23(a):

Section 138, STAFF MEMBER REQUIREMENTS: AIDES AND VOLUNTEERS, is amended as follows:

Subsection 138.4 is amended as follows:

138.4 Aides and volunteers who meet the standard in Section 133.1 are subject to the criminal background and child protection register checks as required in

Subsection 132.2(a) and Section 133. A volunteer may use the same criminal background check for a period of 2 years. Licensee shall maintain, and provide to OSSE upon request, documentation of criminal background and child protection register checks of aides and volunteers.

Section 139, STAFF MEMBER REQUIREMENTS: PROFESSIONAL DEVELOPMENT, is amended as follows:

Subsection 139.11 is amended as follows:

139.11 A private, parochial, or independent school is exempt from complying with the requirements of Sections 139.1(~~e~~), 139.5, and 139.7~~8~~, if the school:

Section 168, CHILD DEVELOPMENT HOME: CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subsection 168.4 is amended as follows:

168.4 When the Child Development Home Caregiver is not physically present at the Facility due to Caregiver's attendance at a professional development event or performance of other Caregiver related responsibilities, the Child Development Home Caregiver shall designate a qualified back-up Caregiver, who meets the requirements and qualifications of a Caregiver as set forth in Section 168.1(a) and (c) and criminal background checks as set forth in **Subsection 132.2 and** Section 133, ~~to~~ assume full responsibility for the Facility's operations in the absence of the Child Development Home Caregiver.

Section 172, OUT-OF-SCHOOL-TIME PROGRAM: ADDITIONAL REQUIREMENTS, is amended as follows:

Subsection 172.2 is amended as follows:

172.2 The space used by an out-of-school-time program must comply with the requirements in Section 163 (Child Development Center: Indoor and Outdoor Program Space) which sets forth indoor and outdoor program space requirements for child development centers. A licensed out-of-school-time program is exempt from the specific indoor space requirements set forth in Section 122.2~~4~~ and need only maintain a minimum of twenty-five (25) square feet of program space per child five (5) years old or older.

This Errata Notice's correction to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of December 2, 2016.

Any questions or comments regarding this notice may be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Notice of Final Rulemaking issued by the Office of the State Superintendent of Education and published in the *D.C. Register* on February 5, 2016 at 63 DCR 1249.

The final rulemaking amended Chapter 22 (Graduation) of Title 5-A (Education) of the District of Columbia Municipal Regulations (DCMR). This errata notice corrects erroneous cross citations.

The corrections to the final rulemaking are made below (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

Chapter 22, GRADUATION, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:

Section 2201, STATE DIPLOMA, is amended as follows:

- 2201.1 A resident who has successfully passed 2014 Series General Educational Development (GED [(R)]) test in compliance with Title 5-~~AE~~ DCMR §§ **84002320** et seq., (General Educational Development (GED [(R)]) Testing), or successfully completed the requirements of the National External Diploma Program (NEDP), shall be eligible for a state diploma from the Office of the State Superintendent of Education.
- 2201.3 A diploma granted pursuant to § 2201.1 shall be recognized as equivalent to a high school diploma granted pursuant to Title 5-~~AE~~ DCMR § 2203 (Graduation: Academic Requirements).

This Errata Notice's correction to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of February 5, 2016.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Notice of Final Rulemaking issued by the Office of the State Superintendent of Education and published in the *D.C. Register* on March 31, 2017 at 64 DCR 3146.

The final rulemaking amended Chapter 50 (Student Residency) of Title 5-A (Education) of the District of Columbia Municipal Regulations (DCMR). This errata notice corrects the misidentification of the D.C. Court of Appeals.

The corrections to the final rulemaking are made below (additions are shown in **bold underlined** text and deletions are shown in ~~striketrough~~ text):

Chapter 50, STUDENT RESIDENCY, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:

Section 5011, NON-RESIDENT STUDENTS: APPEAL RIGHTS, is amended as follows:

Subsection 5011.2 is amended as follows:

5011.2 A party to a contested residency case who is aggrieved by a decision of the hearing officer or Administrative Law Judge assigned to his or her case has 30 calendar days from the date the decision was issued to file an appeal to the D.C. **Superior Court** ~~Court of Appeals~~.

This Errata Notice's correction to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of March 31, 2017.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 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) (2016 Repl.)) Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 44 (Dietetics) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the dietetics regulation to include the new requirement for continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on April 14, 2017 at 64 DCR 3486. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 19, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 44, DIETETICS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4406, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

4406 CONTINUING EDUCATION REQUIREMENTS

- 4406.1 Subject to § 4406.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring April 30, 1991, and for subsequent terms.
- 4406.2 This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement, nor shall it apply to applicants for the first renewal of a license.
- 4406.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 4407.
- 4406.4 To qualify for the renewal of a license, an applicant shall have completed thirty (30) hours of approved continuing education credit during the two (2)-year period preceding the date the license expires. Beginning with the November 1, 2017 –

October 31, 2019 licensure term, two (2) of the required thirty (30) hours shall be LGBTQ continuing education.

- 4406.5 To qualify for the reactivation of a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11 (2016 Repl.)), who submits an application to reactivate a license shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each license year that the applicant was in inactive status, up to a maximum of thirty (30) hours.
- 4406.6 To qualify for the reinstatement of a license, an applicant shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each year after that the applicant was not licensed, up to a maximum of thirty (30) hours.
- 4406.7 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion by signature or stamp.
- 4406.8 The Board may periodically conduct a random audit of its active licensees to determine continuing education compliance. Any licensee selected for the audit shall submit proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit. Failure to timely respond to the audit notice may subject the licensee to disciplinary action by the Board.

Section 4499, DEFINITIONS, is amended as follows:

Subsection 4499.1 is amended as follows:

The following definition is added before the definition of “Applicant”:

Act – the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

The following definition is added before the definition of “Nutritionist”:

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 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) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 45 (Nutrition) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the nutrition regulation to include the new requirement for continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on April 14, 2017 at 64 DCR 3489. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 19, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 45, NUTRITION, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4506, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

4506 CONTINUING EDUCATION REQUIREMENTS

- 4506.1 Subject to § 4506.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring April 30, 1991, and for subsequent terms.
- 4506.2 This section does not apply to applicants for an initial license; nor does it apply to applicants for the first renewal of a license.
- 4506.3 A continuing education credit shall be valid only if it meets the requirements of § 4507 and is approved by the Board.
- 4506.4 To qualify for the renewal of a license, an applicant shall have completed thirty (30) hours of approved continuing education credit during the two (2)-year period preceding the date the license expires. Beginning with the November 1, 2017 –

October 31, 2019 licensure term, two (2) of the required thirty (30) hours shall be LGBTQ continuing education.

- 4506.5 To qualify for the reactivation of a license, a person in inactive status within the meaning of § 511 of the Act(D.C. Official Code § 3-1205.11 (2016 Repl.)) who submits an application to reactivate a license shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each license year that the applicant was in inactive status, up to a maximum of five (5) years, with at least thirty (30) of those hours having been completed in the two (2) years immediately preceding the date of applying for reactivation.
- 4506.6 To qualify for the reinstatement of a license, an applicant shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each year that the applicant was not licensed, up to a maximum of five (5) years, with at least thirty (30) of those hours having been completed in the two (2) years immediately preceding the submission of the reinstatement application.
- 4506.7 Except as provided in § 4506.8, an applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.
- 4506.8 Applicants for renewal of a license shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to § 4506.7 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.
- 4506.9 The Board may periodically conduct a random audit of its active licensees to determine continuing education compliance. Any licensee selected for the audit shall submit proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit. Failure to timely respond to the audit notice may subject the licensee to disciplinary action by the Board.

Section 4599, DEFINITIONS, is amended as follows:

Subsection 4599.1 is amended as follows:

The following definition is added before the definition of “Applicant”:

Act – the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

The following definition is added before the definition of “Nutritionist”:

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5) (2016 Repl.)).

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“the Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 62 (Nursing Home Administration) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the nursing home administration regulation to include the new requirement for continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on April 14, 2017 at 64 DCR 3492. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 19, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 62, NURSING HOME ADMINISTRATION, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 6206, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

6206 CONTINUING EDUCATION REQUIREMENTS

- 6206.1 Subject to § 6206.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license.
- 6206.2 This section shall not apply to applicants for an initial license; nor shall it apply to applicants for the first renewal of a license after the initial grant.
- 6206.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 6207.
- 6206.4 To qualify for the renewal of a license, an applicant shall have completed, during the two (2)-year period preceding the date the license expires, forty (40) hours of approved continuing education credit, which shall include:
- (a) At least ten (10) hours of the required forty (40) hours shall have been in one (1) or more of the following areas:

- (1) Staff management;
 - (2) Continuity in assigning the same nursing staff to the same residents as often as practicable;
 - (3) Creating a resident-centered environment;
 - (4) Activities of daily living and instrumental activities of daily living;
 - (5) Wound care;
 - (6) Pain management;
 - (7) Prevention and treatment of depression;
 - (8) Prevention of pressure ulcers;
 - (9) Urinary incontinence management;
 - (10) Discharge planning and community transitioning;
 - (11) Fall prevention;
 - (12) Geriatric social services and individual competency; or
 - (13) Behavior management; and
- (b) An applicant seeking to renew his or her license on or after June 30, 2018 shall also have completed two (2) hours of LGBTQ continuing education.

6206.5 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11 (2016 Repl.)) who submits an application to reactivate a license shall submit proof of having completed twenty (20) hours of approved continuing education credit for each year after June 30, 2003 that the applicant was not actively licensed, up to a maximum of one hundred (100) hours. At least twenty (20) hours of approved continuing education credit shall have been completed in the one (1)-year period prior to the application date.

6206.6 To qualify for a license, an applicant for reinstatement of a license shall submit proof of having completed twenty (20) hours of approved continuing education credit for each year after June 30, 2003 that the applicant was licensed, up to a maximum of one hundred (100) hours. At least twenty (20) hours of approved continuing education credit shall have been completed in the one (1)-year period prior to the application date.

- 6206.7 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp, after which time continuing education credit will be granted.
- 6206.8 The Board may periodically conduct a random audit of licensees to determine compliance with the continuing education requirement.
- 6206.9 A licensee who is selected to participate in the Board's continuing education audit shall, within thirty (30) days after being deemed served notice of the selection, submit proof pursuant to § 7008.12 of having completed the required approved continuing education credits during the two (2)-year period immediately preceding the date the license expires.

Section 6299, DEFINITIONS, is amended as follows:

Subsection 6299.1 is amended as follows:

The following definition is added before the definition of "A.I.T.":

Act – the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

The following definition is added before the definition of "NABENHA":

LGBTQ continuing education - continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of Section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 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) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)) hereby gives notice of the adoption of the following amendments to Chapter 63 (Occupational Therapy) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the occupational therapy regulation to include the new requirement for continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on April 14, 2017 at 64 DCR 3496. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 19, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 63, OCCUPATIONAL THERAPY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 6306, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 6306.3 is amended to read as follows:

6306.3 An applicant for license renewal shall complete a minimum of twenty-four (24) contact hours of approved continuing education in accordance with §§ 6307 and 6308 during the two (2)-year period preceding the date the license expires. Beginning with the licensure term starting on October 1, 2017, the continuing education required in this section shall include two (2) hours of LGBTQ continuing education.

Section 6308, CONTINUING EDUCATION CREDITS, is amended as follows:

Subsection 6308.1 is amended to read as follows:

6308.1 One (1) contact hour of continuing education shall consist of at least fifty (50) minutes of learning time.

Section 6309, REACTIVATION, is amended as follows:**Subsection 6309.2 is amended to read as follows:**

6309.2 A reactivation applicant whose license has been inactive five (5) years or less who does not hold a license in any other jurisdiction shall complete twelve (12) contact hours of approved continuing education for each year that the applicant was not licensed, up to a maximum of sixty (60) hours, providing further that, regardless of the total number of continuing education hours required, two (2) of the required hours shall be LGBTQ continuing education.

Subsection 6309.3 is amended to read as follows:

6309.3 A reactivation application whose license has been inactive for more than five (5) years who does not hold an active license in any other jurisdiction shall complete:

- (a) Twelve (12) contact hours of approved continuing education for each year that the applicant was not licensed, up to a maximum of sixty (60) hours. Twenty-four (24) of those contact hours shall have been completed within two (2) years prior to the date the application is submitted and two (2) of the total hours required shall be LGBTQ continuing education; and
- (b) One hundred sixty (160) hours of supervised clinical training by a licensed occupational therapist within the two (2) months prior to the date the application is submitted.

Section 6310, REINSTATEMENT, is amended as follows:**Subsection 6310.3 is amended to read as follows:**

6310.3 A reinstatement applicant who holds an active license in any other jurisdiction shall complete twelve (12) contact hours of approved continuing education for each year that the applicant was not licensed in the District, up to a maximum of sixty (60) hours. Twenty-four (24) contact hours must have been completed within two (2) years prior to the date the application is submitted and two (2) of the total hours required shall be LGBTQ continuing education.

Subsection 6310.4 is amended to read as follows:

6310.4 A reinstatement applicant who does not hold an active license in any jurisdiction shall submit proof of having completed the following:

- (a) Twelve (12) contact hours of approved continuing education program for each year that the applicant was not licensed up to a maximum of sixty (60) hours. Twenty-four (24) contact hours shall have been completed

within two (2) years prior to the date the application is submitted and two (2) of the total hours required shall be LGBTQ continuing education; and

- (b) One hundred sixty (160) hours of supervised clinical training by a licensed occupational therapist within two (2) months prior to the date the application is submitted.

Section 6399, DEFINITIONS, is amended as follows:

Subsection 6399.1 is amended as follows:

The following definitions are added before the definition of “Board”:

Act – the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

Approved continuing education – continuing education meeting the requirements of §§ 6307 and 6308.

The following definitions are added before the definition of “Occupational therapist”:

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

Licensure term – the two-year period between October 1 of each odd-numbered year to September 30 of the next odd-numbered year during which a license issued pursuant to this chapter is valid in accordance with § 6301.1.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 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) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 69 (Psychology) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the psychology regulation to include the new requirement for cultural competency continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on April 14, 2017 at 64 DCR 3506. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 19, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 69, PSYCHOLOGY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 6906, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 6906.2 is amended to read as follows:

6906.2 This section does not apply to applicants for an initial license or applicants for the first renewal after the initial grant of a license.

Subsection 6906.4 is amended to read as follows:

6906.4 To qualify for the renewal of a license, an applicant shall complete thirty (30) hours of valid continuing education during the two (2)-year period preceding the date the license expires, which shall also meet the following requirements:

- (a) At least fifteen (15) hours of valid continuing education shall be completed in live program(s); and
- (b) An applicant seeking to renew his or her license on or before December 31, 2017 shall complete three (3) hours each in ethics and cultural competency; or

- (c) An applicant seeking to renew his or her license on or before December 31, 2019 and thereafter shall complete two (2) hours of LGBTQ continuing education.

Subsection 6906.6 is amended to read as follows:

6906.6 An applicant for reinstatement whose license had expired no more than two (2) years shall submit proof of having completed fifteen (15) approved continuing education hours, including one (1) hour of LGBTQ continuing education, for each year after the license expired. A reinstatement applicant whose license has expired for more than two (2) years shall retake and pass the D.C. jurisprudence examination, as provided in § 6905, and complete the number and type of continuing education credits required by the Board, which shall be determined on a case by case basis.

Subsection 6906.9 is repealed.

Section 6999, DEFINITIONS, is amended as follows:

Subsection 6999.1 is amended as follows:

The following definition is added before the definition of “Delegated Supervisor”:

Act – the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

The following definition is added before the definition of “Licensure Period”:

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 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) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)) hereby gives notice of the adoption of the following amendments to Chapter 72 (Recreational Therapy) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to update and modernize the rules applicable to recreational therapists registered in the District and set standards for professional practice as well as continuing professional competency.

This rulemaking was published as a proposed rulemaking in the *D.C. Register* on June 17, 2016 at 63 DCR 8509. No comments were received from the public during the thirty (30)-day comment period. It was published again as a Second Proposed Rulemaking on April 14, 2017 at 64 DCR 3512, to include the new requirement for continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)). No comments were received from the public during the second thirty (30)-day comment period. There has been no change to the rules as proposed. This rule was adopted as final on June 19, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 72, RECREATIONAL THERAPY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

CHAPTER 72 RECREATIONAL THERAPY**7200 APPLICABILITY**

7200.1 This chapter applies to applicants and holders of a registration to practice recreational therapy. This chapter applies only to persons practicing under the title Recreational Therapist or Certified Therapeutic Recreation Specialist.

7200.2 Chapter 40 (General Rules) and Chapter 41 (Administrative Procedure) of this title shall supplement this chapter.

7201 TERM OF REGISTRATION

7201.1 Subject to § 7201.2, a registration issued pursuant to this chapter shall expire at 12:00 midnight on February 28th of each even numbered year.

7201.2 If the Director changes the renewal system pursuant to § 4006.3 of Chapter 40 of this title, a registration issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the registration, or other date established by the Director.

7202 EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS FOR RECREATIONAL THERAPISTS

7202.1 An applicant for registration to practice as a recreational therapist may meet the education, training, and experience requirements by furnishing to the Director satisfactory proof that the applicant has been certified by the National Council for Therapeutic Recreation Certification (NCTRC) at the professional level of Certified Therapeutic Recreation Specialist (CTRS).

7202.2 The requirement of § 7202.1 shall not apply to recreational therapists who were registered in the District as of December 31, 1995 and maintain continuous registration without interruption.

7203 SCOPE OF PRACTICE OF REGISTERED RECREATIONAL THERAPIST OR CERTIFIED THERAPEUTIC RECREATION SPECIALIST

7203.1 An individual registered under this chapter as a recreational therapist may engage in the "practice of recreational therapy" as defined herein.

7203.2 As used in this chapter, the practice of "recreational therapy" means the use of the title Recreational Therapist by persons who meet the education and training requirements of § 7202.1; or the use of the title Certified Therapeutic Recreation Specialist by persons who meet the education and training requirements of § 7202.1. All persons registered pursuant to the act and these rules are entitled to use the title Recreational Therapist.

7203.3 The practice of recreational therapy shall include the following:

- (a) All direct patient or client services of assessment;
- (b) Planning;
- (c) Design;
- (d) Implementation;
- (e) Evaluation;
- (f) Documentation of specific interventions;

- (g) Management;
- (h) Consultation;
- (i) Research; and
- (j) Education for either individuals or groups that require specific therapeutic recreation or recreational therapy intervention with such services being provided for recreation resources and opportunities to improve health and well-being.

7204 LAWFUL PRACTICE

- 7204.1 Any person who practices or offers to practice recreational therapy in the District of Columbia as defined by § 7203.2 shall be registered pursuant to these rules.
- 7204.2 Except those who obtained registration to practice recreational therapy pursuant to § 7202.2, any person who practices or offers to practice recreational therapy in the District shall maintain, without interruption, his or her certification as CTRS by the NCTRC.
- 7204.3 A recreational therapist registered in the District shall use the letters “RRT” or “CTRS/RRT” in connection with the recreational therapist’s name or place of business to denote registration pursuant to the Act.

7205 CONTINUING EDUCATION REQUIREMENTS

- 7205.1 This section does not apply to applicants for an initial registration or applicants seeking a renewal of their registration for the first time after the initial registration. This section applies to applicants for a renewal, reactivation, or reinstatement of a registration for the term expiring February 28, 2018 and for all subsequent terms.
- 7205.2 A continuing education contact hour shall be valid only if it is part of a program or activity that the Board approves in accordance with § 7206 and § 7207.
- 7205.3 An applicant for registration renewal shall complete a minimum of twenty (20) contact hours of approved continuing education in accordance with § 7206 and § 7207 during the two (2) year period preceding the date the registration expires. The required continuing education shall also include two (2) hours of LGBTQ continuing education.
- 7205.4 The Board may require proof of completion of the required continuing education. Such proof shall include the following information:
- (a) The name and address of the sponsor of the program;

- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The date and time of attendance;
- (d) The number of contact hours claimed;
- (e) Verification by the sponsor of the person’s completion, by signature or stamp of the sponsor; and
- (f) The name of the person completing the program.

7205.5 If the registration of a recreational therapist expires while serving in the military whenever the United States is engaged in active military operations against any foreign power or hostile force, and if the required continuing education hours were not earned during the earning period, the recreational therapist shall be required to complete the required continuing education hours needed no later than six (6) months after discharge from active service, return to inactive military status, or return to the United States from an active war zone.

7205.6 The continuing education contact hours completed to satisfy the requirement of § 7205.5 shall not be counted toward meeting the continuing education requirement for the next or subsequent registration term.

7205.7 The credits received for each approved continuing education program shall be applied in full toward meeting the continuing education requirements for each registration term. The proration of continuing education credits over more than one (1) registration term shall not be allowed.

7205.8 A recreational therapist who is licensed, registered, or certified to practice in a jurisdiction other than the District shall meet the requirements of this section in order to be eligible for registration renewal in the District.

7206 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7206.1 The Board may approve continuing education programs and activities that contribute to the professional competence in the practice of recreational therapy and meet the other requirements of this section.

7206.2 The Board may approve continuing education programs and activities that are relevant to the practice or education of recreational therapists based on the following information:

- (a) Current subject matter with course description;

- (b) Content focus;
- (c) Learning outcomes;
- (d) Target audience;
- (e) Satisfactory completion of the course by the course participant; and
- (f) The number of contact hours or continuing education units.

7206.3 The Board may approve the following types of activities provided that they are consistent with the requirements of this chapter:

- (a) Activities sponsored by the state or local recreational therapy organizations, such as the Chesapeake Area Recreational Therapy Association (CHARTRA);
- (b) Activities sponsored, offered, or certified by the American Therapeutic Recreation Association (ATRA);
- (c) Activities approved for continuing education credit by boards of allied health;
- (d) Activities sponsored by disability-specific advocacy groups;
- (e) Activities sponsored by an accredited healthcare facility; or
- (f) Activities sponsored by an accredited college or university.

7206.4 The following activities shall not meet the requirement of § 7206.1 and may not be approved as continuing education required under this chapter:

- (a) Mandatory non-clinical in-service competency or education programs including, but not limited to, Basic Cardiac Life Support (BCLS) or Cardiopulmonary Resuscitation (CPR), first aid, infection control, emergency preparedness, or documentation update; and
- (b) Mandatory organization-specific trainings or programs required as part of job performance or development.

7206.5 The Board may grant continuing education credits for the following activities:

- (a) Serving as an author of self-study article or series;
- (b) Serving as an instructor or speaker at a conference program or an

academic course;

- (c) Serving as an instructor at a peer-reviewed or non-peer-reviewed seminar, workshop, or in-service training, whether in-person or web-based;
- (d) Serving as supervisor for persons authorized to practice pursuant to § 7211.2(c);
- (e) Serving as a clinical instructor for students of recreational therapy or students of any other health occupation;
- (f) Authoring or editing a published book, a published chapter in a book, or a published article in a professional journal or other nationally recognized publication;
- (g) Participating as a primary clinical internship educator for recreational therapy students;
- (h) Participating in board or committee work in connection with an agency or a non-profit organization whose mission is to promote and enhance the practice of recreational therapy; or
- (i) Participating in research as a principal investigator or research assistant.

7206.6 The person seeking continuing education credit shall bear the burden of establishing to the Board’s satisfaction that any supervisory activities, professional volunteer activities, or services as an instructor, speaker, publisher or editor are eligible for continuing education credit and approval in accordance with § 7206.1.

7207 CONTINUING EDUCATION CREDITS

7207.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) contact hour.

7207.2 For approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) contact hours of continuing education, and each quarter hour of credit shall constitute ten (10) contact hours of continuing education.

7207.3 The Board may grant continuing education credit for the activities described in §§ 7206.5(a), (b), or (c) subject to the following restrictions:

- (a) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time or twice the amount of contact hours awarded for participants;

- (b) The maximum amount of credit which may be granted pursuant to this subsection is fifty percent (50%) of an applicant's continuing education requirement;
- (c) If an applicant had previously received credit in connection with a particular presentation, the Board shall not grant credit in connection with a subsequent presentation unless it involves either a different or a substantially modified program; and
- (d) The presentation shall have been completed during the period for which credit is claimed and includes documentation of the following:
 - (1) A copy of the official program or syllabus;
 - (2) The presentation title;
 - (3) The date of the presentation;
 - (4) The hours of the presentation;
 - (5) The type of audience addressed; and
 - (6) A verification of attendance signed by the sponsor.

7207.4 The Board may grant up to four (4) contact hours per renewal period for the activities described in § 7206.5(d). The supervisor shall submit a copy of the supervised practice letter and verification of supervision to receive continuing education credits.

7207.5 The Board may grant one (1) continuing education contact hour for each hour of clinical instruction, up to a maximum of six (6) contact hours per renewal period for the activities described in § 7206.5(e), with the following documentation:

- (a) Name of student as verified by the school;
- (b) Name of the school;
- (c) Dates and duration of instruction; and
- (d) Signature of the program director.

7207.6 The Board may grant up to six (6) continuing education contact hours per renewal period for the activities described in § 7206.5(f), if the book, chapter, or article was published or accepted for publication during the period for which credit is claimed, and satisfactory proof is submitted to the Board.

7207.7 The Board may grant up to six (6) contact hours per renewal period for the activities described in § 7206.5(g), with the following documentation:

- (a) Name of student as verified by the school;
- (b) Name of the school;
- (c) Dates of the internship; and
- (d) Signature page of student evaluation excluding evaluation scores and comments on student.

7207.8 The Board may grant up to three (3) continuing education contact hours for the activities described in § 7206.5(h), provided that such participation totaled no less than eighteen (18) hours during a registration term. The applicant shall provide the following documentation:

- (a) Name of the committee, board, agency or organization;
- (b) Purpose for service;
- (c) Description of duties and roles; and
- (d) Validation of service by an officer or representative of the organization.

7207.9 The Board may grant up to six (6) contact hours for the activities described in § 7206.5(i), provided that such participation is sufficiently documented.

7207.10 The Board may require proof of a recreational therapist's completion of continuing education at the completion of a renewal period. A recreational therapist shall:

- (a) Maintain the required proof of completion for each continuing competence activity as specified in these regulations; and
- (b) Retain documentation of a continuing competence activity for a minimum of two (2) years following the last day of the registration term for which the continuing competence activity was completed.

7208 CONTINUING EDUCATION AUDIT

7208.1 The Board may audit up to twenty percent (20%) of the number of registered recreational therapists to determine compliance with the continuing education contact hour requirements.

7208.2 Upon notification by the Board that a registrant has been selected for an audit, the registrant shall submit the required documentation within thirty (30) days of receipt of the notice.

7208.3 A registrant who fails to provide proof of continuing education compliance during an audit may be subject to an audit in the subsequent registration term.

7209 REACTIVATION

7209.1 The requirements of this section shall apply to persons whose registration under this Chapter has been placed in inactive status and seeks reactivation of their registration in accordance with § 511 of the Act, D.C. Official Code § 3-1205.11.

7209.2 An applicant for reactivation of a recreational therapy registration who has been inactive five (5) years or less and does not hold a registration or equivalent in any other jurisdiction shall submit proof pursuant to § 7205 of having completed ten (10) contact hours in clinical coursework in an approved continuing education program for each year that the applicant was not registered, up to a maximum of fifty (50) hours, two of which shall be LGBTQ continuing education.

7209.3 A reactivation applicant who has been inactive for more than 5 (five) years and who does not hold an active registration or equivalent in any other jurisdiction shall submit proof pursuant to § 7205 of having completed the following:

- (a) Ten (10) contact hours in clinical coursework in an approved continuing competence program for each year that the applicant was not registered, up to a maximum of fifty (50) hours. Twenty (20) of those contact hours shall have been completed within two (2) years prior to the date the application is submitted and include two (2) hours of LGBTQ continuing education; and
- (b) One hundred sixty (160) hours of clinical training supervised by a registered recreational therapist within the two (2) months prior to the date the application is submitted.

7209.4 A reactivation applicant who holds an active registration or equivalent in any other jurisdiction shall not be required to submit proof of continuing education contact hours with the reactivation application.

7210 REINSTATEMENT

7210.1 The requirements of this section shall apply to persons with expired registration who seek reinstatement within five (5) years in accordance with § 512(a) of the Act, D.C. Official Code § 3-1205.12(a).

7310.2 A person may not apply for reinstatement if his or her registration has expired for more than five (5) years.

7310.3 A reinstatement applicant may be eligible for reinstatement of his or her registration only if he or she holds a current, active certification as a Certified Therapeutic Recreation Specialist (CTRS) issued by the National Council for Therapeutic Recreation Certification (NCTRC) and submit satisfactory proof of ten (10) contact hours in clinical coursework in an approved continuing competence program for each year that the applicant was not registered, up to a maximum of fifty (50) hours. Twenty (20) of those contact hours shall have been completed within two (2) years prior to the date the application is submitted and shall include two (2) hours of LGBTQ continuing education.

7211 PRACTICE OF RECREATIONAL THERAPY BY A STUDENT OR PERSON SEEKING REGISTRATION

7211.1 A student of recreational therapy or a person seeking registration may practice only under the general supervision of a recreational therapist with valid, unrestricted registration in the District and in accordance with this section.

7211.2 Only the following person may practice under this section:

- (a) A student whose practice fulfills their educational requirements as described in § 103(c) of the Act, D.C. Official Code § 3-1201.03(c);
- (b) An applicant for registration whose application has been properly filed with the Board and is pending final approval by the Board; or
- (c) A person seeking reactivation of registration in accordance with § 7209.3(b) or a person seeking reinstatement of registration in accordance with § 7210.4(b).

7211.3 A supervisor of a person described in §§ 7211.2(b) or (c) shall, no less than two (2) weeks prior to the supervision begins, seek the authorization of the Board by providing the following information:

- (a) The supervisor's name and address;
- (b) The name of the person seeking registration;
- (c) The expected period of supervision;
- (d) The nature and location of the practice of the person registration; and
- (e) The attestation that the supervisor understands and intends to comply with the supervisory requirements under this chapter.

7211.4 A person seeking to practice under supervision may begin the supervised practice after the Board has approved and authorized the practice.

- 7211.5 Supervised practice authorized in accordance with this section shall not exceed sixty (60) days.
- 7211.6 A person engaged in supervised practice under this section shall identify himself or herself as a student or person practicing under supervision at all times including prior to the initiation of any practice with a client.
- 7211.7 Any of the following events shall result in an automatic and immediate termination of the authorized supervised practice:
- (a) The supervision is terminated for any reasons by either the supervisor or the supervisee; or
 - (b) An arrest or charge for a felony.
- 7211.8 A person practicing under supervision in accordance with this section shall not receive any compensation of any nature, directly or indirectly, from a patient but may receive a salary or other form of compensation from his or her supervisor based on the hours of practice performed.
- 7211.9 The supervisor shall be fully responsible for all supervised practice by the supervisee during the period of supervision and shall be subject to disciplinary action for any violation of the Act or this chapter by the supervisee.
- 7211.10 A person authorized to practice under supervision pursuant to this section shall be subject to all applicable provisions of the Act and this chapter. The Board may deny his or her application for license or take any disciplinary action against him or her in accordance with Chapter 41 of this title if he or she has been found to have violated the Act or this chapter.

7212 CODE OF ETHICS

- 7212.1 A certified therapeutic recreation specialist or recreational therapist registered to practice in the District of Columbia shall adhere to the Code of Ethics established by the American Therapeutic Recreation Association as they may be amended from time to time.

7299 DEFINITIONS

- 7299.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

Act – the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

Board - The Board of Occupational Therapy, established by § 206 of the Act, D.C. Official Code § 3-1202.06.

Boards of allied health – boards as defined in D.C. Official Code § 3-1201.01(1A), or their equivalents in other jurisdictions.

Contact hour - At least fifty (50) minutes of continuing education credit.

Director – The Director of the Department of Health or any successor or assignee.

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

Recreational Therapy – Treatment services designed to restore, remediate and rehabilitate a person’s level of functioning and independence in life activities, to promote health and wellness as well as reduce or eliminate the activity limitations and restrictions to participation in life situations caused by illness or disabling condition. Recreational therapy also means “recreation therapy” as used in D.C. Official Code § 3-1209.02.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 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) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 73 (Occupational Therapy Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the occupational therapy assistants regulation to include the new requirement for continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on April 14, 2017 at 64 DCR 3524. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 19, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 73, OCCUPATIONAL THERAPY ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7304, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 7304.2 is amended to read as follows:

7304.2 A renewal applicant shall complete a minimum of twelve (12) contact hours of approved continuing education in accordance with §§ 7305 and 7306 during the two (2)-year period preceding the date the license expires. Beginning with the licensure term starting on October 1, 2017, the continuing education required in this section shall include two (2) hours of LGBTQ continuing education.

Subsection 7304.4 is amended to read as follows:

7304.4 A renewal applicant shall certify, under penalty of perjury, whether he or she has met the requirement of § 7304.2.

Section 7306, CONTINUING EDUCATION CREDITS, is amended as follows:

Subsection 7306.1 is amended to read as follows:

7306.1 One (1) contact hour of continuing education shall consist of at least fifty (50) minutes of learning time.

Section 7307, CONTINUING EDUCATION AUDIT, is amended as follows:

Subsection 7307.3 is amended to read as follows:

7307.3 Licensees who fail to provide proof of continuing education compliance during an audit may be subject to an audit in the subsequent renewal cycle.

Subsection 7307.4 is repealed.

Section 7309, REACTIVATION, is amended as follows:

Subsection 7309.3 is amended to read as follows:

7309.3 A reactivation applicant whose license has been inactive five (5) years or less who does not hold a license in any other jurisdiction shall submit proof in accordance with § 7304.5, of having completed six (6) contact hours of approved continuing education for each year that the applicant was in inactive status. Two (2) of the total contact hours of continuing education required under this section shall be LGBTQ continuing education.

Subsection 7309.4 is amended to read as follows:

7309.4 A reactivation applicant whose license has been inactive for more than five (5) years who does not hold an active license in any other jurisdiction shall submit proof pursuant to § 7304.5 of having completed the following:

- (a) Thirty (30) contact hours of approved continuing education in accordance with §§ 7305 and 7306; at least twelve (12) of the thirty (30) hours shall be completed within two (2) years prior to the date the application is submitted and two (2) of the total hours required shall be LGBTQ continuing education; and
- (b) One hundred sixty (160) hours of supervised practice in accordance with § 7316 within the two (2) months prior to the date the application is submitted.

Subsection 7309.6 is amended to read as follows:

7309.6 A reactivation applicant who holds an active license in any other jurisdiction and seeks to reactivate his or her license in the District more after more than five (5) years of inactive status shall submit proof, in accordance with § 7304.5, of having completed, within a period of twelve (12) months prior to the application, at least

twelve (12) hours of approved continuing education, two of which shall be LGBTQ continuing education.

Section 7310, REINSTATEMENT, is amended as follows:

Subsection 7310.3 is amended to read as follows:

7310.3 A reinstatement applicant who holds an active license in any other jurisdiction shall submit proof pursuant to § 7304.5 of having completed six (6) contact hours of approved continuing education for each year that the applicant was not licensed in the District up to a maximum of thirty (30) hours. Twelve (12) contact hours shall have been completed within two (2) years prior to the date the application is submitted and two (2) contact hours shall be LGBTQ continuing education.

Subsection 7310.4 is amended to read as follows:

7310.4 A reinstatement applicant who does not hold an active license in any other jurisdiction shall submit proof:

- (a) Pursuant to § 7304.5, of having completed six (6) contact hours of approved continuing education for each year that the reinstatement applicant was not licensed. Twelve (12) contact hours must have been completed within two (2) years prior to the date the application is submitted and two (2) contact hours shall be LGBTQ continuing education; and
- (b) Pursuant to § 7316.3, of having completed one hundred sixty (160) hours of supervised practice in accordance with § 7316 within the two (2) months prior to the date the application is submitted.

Section 7399, DEFINITIONS, is amended as follows:

Subsection 7399.1 is amended as follows:

The following definition is added before the definition of “Board”:

Approved continuing education – continuing education meeting the requirements of §§ 7305 and 7306.

The following definitions are added before the definition of “Occupational therapist”:

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016

Repl.)).

Licensure term – the two-year period between October 1 of each odd-numbered year to September 30 of the next odd-numbered year during which a license issued pursuant to this chapter is valid in accordance with § 6301.1.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“the Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 76 (Respiratory Therapy) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the respiratory therapy regulation to include the new requirement for continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on April 14, 2017 at 64 DCR 3531. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 19, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 76, RESPIRATORY THERAPY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7606, RENEWAL, REACTIVATION, OR REINSTATEMENT OF A LICENSE; CONTINUING EDUCATION REQUIREMENTS is amended as follows:

Subsection 7606.2 is amended to read as follows:

7606.2 This section does not apply to applicants for an initial license or applicants for the first renewal of a license after the initial grant.

Subsection 7606.5 is amended to read as follows:

7606.5 To qualify for the renewal of a license, an applicant shall have completed sixteen (16) hours of approved continuing education programs during the two (2)-year period preceding the date the license expires, which shall also meet the following requirement:

- (a) An applicant seeking to renew his or her license on or before January 31, 2019, shall have completed at least three (3) hours of ethics; or

- (b) An applicant seeking to renew his or her license after January 31, 2019 shall have completed two (2) hours of ethics and two (2) hours of LGBTQ continuing education.

Subsection 7606.14 is added to read as follows:

7606.14 One (1) CEU shall consist of sixty (60) minutes of educational, learning, or presentation time.

Section 7699, DEFINITIONS, is amended as follows:

Subsection 7699.1 is amended as follows:

The following definition is added after the definition of “Board”:

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

Subsection 7699.2 is added to read as follows:

7699.2 The definitions of § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 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) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 86 (Psychology Associate) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the psychology associate regulation to include the new requirement for continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on April 14, 2017 at 64 DCR 3539. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 19, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 86, PSYCHOLOGY ASSOCIATE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 8606, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

8606 CONTINUING EDUCATION REQUIREMENTS

- 8606.1 Subject to § 8606.2, this section applies to applicants for the renewal, reactivation, or reinstatement of a registration.
- 8606.2 This section does not apply to applicants for an initial registration or applicants for the first renewal after the initial grant of a registration.
- 8606.3 To qualify for the renewal of a registration, an applicant shall have completed thirty (30) hours of approved continuing education credits during the two (2)-year period preceding the date the registration expires, which shall also meet the following requirements:
- (a) At least fifteen (15) hours of approved continuing education shall be completed in live program(s); and

- (b) An applicant seeking to renew his or her registration on or before December 31, 2017 shall complete three (3) hours each in ethics and cultural competence; or
- (c) An applicant seeking to renew his or her registration after December 31, 2017 shall complete three (3) hours of ethics and two (2) hours of LGBTQ continuing education.

8606.4 An applicant in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11) who submits an application to reactivate a registration that has been inactive up to two (2) years shall submit proof of having completed thirty (30) hours of approved continuing education, including three (3) hours of ethics and two (2) hours of LGBTQ continuing education. An applicant whose registration was inactive for more than two (2) years shall retake and pass the District examination and shall complete the number and type of continuing education credits required by the Board which shall be determined on a case-by-case basis.

8606.5 An application for reinstatement of a registration that has expired for two (2) years or less shall submit proof of having completed thirty (30) hours of approved continuing education, including three (3) hours of ethics and two (2) hours of LGBTQ continuing education. An applicant whose registration has expired for more than two (2) years shall retake and pass the District examination and complete the number and type of continuing education credits required by the Board, which shall be determined on a case-by-case basis.

8606.6 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 8607.

8606.7 An applicant under this section shall prove completion of the required continuing education credits by submitting with the application the following information with respect to each continuing education program or activity:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program and its location;
- (c) A description of the subject matter covered;
- (d) A complete schedule with time allotments for each topic or subtopic and lunch or breaks, and the name of each instructor or speaker;
- (e) The date(s) on which the applicant participated in the program;
- (f) The hours of continuing education credit claimed; and

- (g) A copy of the continuing education completion verification document that includes the sponsor’s signature and seal.

8606.8 An applicant under this section shall prove completion of continuing education course work that was audited by submitting with the application a signed statement from the instructor on college stationery for each class attended.

Section 8699, DEFINITIONS, is amended as follows:

Subsection 8699.1 is amended as follows:

The following definition is added before the definition of “Practice of psychology”:

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 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) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following new Chapter 101 (Audiology Assistants) to Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations.

This rulemaking will establish regulation for the registration of audiology assistants in accordance with § 909 of the Act (D.C. Official Code § 3-1209.09 (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on December 9, 2016 at 63 DCR 15143. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 14, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended by adding a new Chapter 101 to read as follows:

CHAPTER 101 AUDIOLOGY ASSISTANTS

- 10100 GENERAL PROVISIONS**
- 10101 TERM OF REGISTRATION**
- 10102 EDUCATIONAL REQUIREMENT**
- 10103 WAIVER OF EDUCATIONAL REQUIREMENT**
- 10104 REGISTRATION BY ENDORSEMENT**
- 10105 SCOPE OF PRACTICE**
- 10106 SUPERVISION OF AUDIOLOGY ASSISTANT**
- 10107 STANDARDS OF CONDUCT FOR AUDIOLOGY ASSISTANTS**
- 10108 CONTINUING EDUCATION REQUIREMENTS**
- 10109 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**
- 10110 CONTINUING EDUCATION CREDITS**
- 10199 DEFINITIONS**

10100 GENERAL PROVISIONS

10100.1 This chapter shall apply to applicants for and holders of a registration to practice as an audiology assistant.

10100.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 78 (Audiology) of this title shall supplement this chapter.

10100.3 No person may practice as an audiology assistant (also known as “audiology assisting”) without a registration issued pursuant to this chapter.

10100.4 Notwithstanding § 10100.3, during a period of twelve (12) months from the effective date of this chapter, a person who is practicing as an audiology assistant (also known as “audiology assisting”) on the effective date of this chapter and continue to practice without a registration shall not be deemed to be in violation of § 10100.3.

10101 TERM OF REGISTRATION

10101.1 Subject to § 10101.2, a registration issued pursuant to this chapter shall expire at 12:00 Midnight of December 31 of each even-numbered year.

10101.2 Pursuant to § 4006.3, the Director may change the renewal system and the expiration dates of registrations issued pursuant to this chapter.

10102 EDUCATIONAL REQUIREMENT

10102.1 Except as otherwise provided in this chapter, to qualify for a registration to practice as an audiology assistant, an applicant shall have completed one of the following educational levels in audiology assisting, hearing sciences and disorders, communication sciences and disorders, or equivalent as determined by the Board:

- (a) Two (2) years of accredited college education, with a minimum of forty-eight (48) semester hours or seventy-two (72) quarter hours;
- (b) An associate’s degree from an accredited college; or
- (c) A technical school certification program.

10103 WAIVER OF EDUCATIONAL REQUIREMENT

10103.1 The Board may waive the educational requirement of § 10102.1 for an applicant who:

- (a) Provides proof that he or she was employed as an audiology assistant under the direct supervision of an audiologist for a minimum of fifteen (15) hours per week during three (3) of the five (5) years before February 5, 2014; and
- (b) Applies for registration no later than twelve (12) months from the effective date of this section.

10104 REGISTRATION BY ENDORSEMENT

10104.1 An applicant may be eligible for registration by endorsement if:

- (a) The applicant is currently licensed or registered in good standing as an audiology assistant under the laws of a state or territory of the United States pursuant to the requirements determined by the Board to be substantially equivalent to the requirements of § 10102.1; or
- (b) The applicant is currently licensed or registered in good standing as an audiology assistant in another state or territory of the United States and has practiced in the state or territory for a minimum of two (2) years.

10105 SCOPE OF PRACTICE

10105.1 No person may practice as an audiology assistant unless he or she is duly registered pursuant to this chapter and performs the duties of the profession under the supervision of a licensed audiologist meeting the requirements of § 10105.2.

10105.2 An audiologist licensed under this title may qualify to supervise an audiology assistant only if he or she meets the following requirements:

- (a) Possessing current and valid license to practice audiology in the District of Columbia;
- (b) Having practiced audiology in the District or any other jurisdiction of the United States for at least two (2) years; and
- (c) Not having been subject of a formal or public disciplinary action by the Board or any other jurisdiction within the United States within the previous two (2) years.

10105.3 An audiology assistant may assist an audiologist with audiological evaluation and in treatment programs.

10105.4 An audiology assistant may not perform any of the following actions or functions:

- (a) Independently performing or administering hearing diagnostic tests;
- (b) Determining case selection or evaluation protocols;
- (c) Interpreting observations or data into diagnostic statements of clinical management strategies or procedures;
- (d) Participating in team or case conferences or on any interdisciplinary team, without the presence of the supervising audiologist or an audiologist designated by the supervising audiologist;

- (e) Writing, developing, or modifying a patient's individualized treatment plan;
- (f) Assisting with patients without following the treatment plan prepared by the audiologist or without proper supervision;
- (g) Composing or signing any formal documents (*e.g.*, treatment plans, reimbursement forms, or reports);
- (h) Transmitting or disclosing clinical information, either orally or in writing, to anyone, including the patient, without the approval of the supervising audiologist;
- (i) Selecting patients for treatment services or discharging patients from treatment services;
- (j) Counseling or consulting with the patient, family, or others regarding the patient status or service or making referrals for additional services; or
- (k) Referring to him/ or herself either orally or in writing with a title other than one determined by the supervising audiologist.

10105.7 An audiology assistant may not practice when a supervisor cannot be reached by personal contact, phone, pager, or other immediate means.

10105.8 An audiology assistant shall cease practice immediately if there is no audiologist providing supervision.

10106 SUPERVISION OF AUDIOLOGY ASSISTANT

10106.1 The supervisor shall retain full professional and ethical responsibility for the professional conduct and performance of the audiology assistant and shall delegate duties only as commensurate with the training, experience, and ability of the audiology assistant and within the scope of lawful practice pursuant to this chapter.

10106.2 The supervisor shall be immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device. The supervisor shall personally diagnose the condition to be treated, personally authorize procedures, and personally evaluate the performance of the audiologist assistant before dismissal of the patient.

10106.3 The supervisor shall verify that an audiology assistant holds a current, valid registration prior to the commencement of the audiology assistant's practice.

10106.4 The supervisor shall ensure that the audiology assistant under his or her

supervision understands and adheres to the professional code of ethics applicable to the supervisor him- or herself.

10107 STANDARDS OF CONDUCT FOR AUDIOLOGY ASSISTANTS

10107.1 An audiology assistant shall adhere to the standards set forth in either the current Code of Ethics of the American Speech-Language-Hearing Association or the current Code of Ethics for the American Academy of Audiology as applicable to the supervising audiologist.

10107.2 An audiology assistant shall clearly identify himself or herself to patients or clients as an audiology assistant at all times and shall not act or communicate in any manner that may give the impression that the audiology assistant is authorized to practice independently or as an audiologist or speech-language pathologist in any way.

10107.3 An audiology assistant shall perform only those functions of the profession that are within his or her scope of competence, training, and experience.

10108 CONTINUING EDUCATION REQUIREMENTS

10108.1 This section shall apply to applicants for renewal, reactivation, or reinstatement of a registration and shall not apply to applicants for an initial registration or applicants seeking renewal of a registration for the first time after the initial grant of the registration.

10108.2 To be eligible for the renewal of a registration, an applicant shall have completed, during the two (2)-year period preceding the date the registration expires, ten (10) hours of approved continuing education related to audiology, including one (1) hour of ethics and two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5)).

10108.3 To be eligible for the reinstatement of a registration issued pursuant to this chapter, an applicant shall have completed ten (10) hours of continuing education described in § 10108.2 during the two (2) years preceding the submission of the reinstatement application.

10108.4 To qualify for the reactivation of a registration in accordance with Section 511(c) of the Act (D.C. Official Code § 3-1205.11(c)), the following applicants shall be deemed to meet the requirement of Section 511(c)(2):

- (a) An applicant who has been actively and lawfully practicing audiology assisting in another jurisdiction or territory of the United States;

- (b) An applicant who has not been actively and lawfully practicing audiology assisting in another jurisdiction or territory of the United States, seeks the reactivation of the registration five (5) years or less after the last expiration of the registration, and has completed ten (10) hours of continuing education described in § 10108.2 during the two (2) years preceding the submission of the reactivation application; or
- (c) An applicant who has not been actively and lawfully practicing audiology assisting in another jurisdiction or territory of the United States and seeks the reactivation of the registration more than five (5) years after the last expiration of the registration who can demonstrate his or her current competency to the Board's satisfaction.

10108.5 The Board may conduct a random audit of at least ten percent (10%) of its active registrants to determine continuing education compliance. Any registrant selected for the audit shall submit proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

10109 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

10109.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of audiology assisting, is current in its subject matter, and is developed and taught or conducted by qualified individuals.

10109.2 Subject to § 10109.1, the Board may grant continuing education credit for programs or activities offered or sponsored by the following organizations:

- (a) The Speech-Language Hearing Association of the District of Columbia or similar speech-language hearing association of another state;
- (b) The American Academy of Audiology;
- (c) The American Speech-Language Hearing Association (ASHA) and its approved continuing education providers;
- (d) An accredited provider of The Accreditation Council on Continuing Medical Education of the American Medical Association offering Category I continuing medical education;
- (e) The International Association of Continuing Education and Training (IACET) and its authorized providers;

- (f) A health care organization accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or
- (g) The International Hearing Society.

10109.3 Subject to § 10109.1, the Board may grant continuing education credit for the following activities:

- (a) Attendance and completion of:
 - (1) A course given at an accredited college or university;
 - (2) A seminar or workshop;
 - (3) An educational program given at a conference; or
 - (4) An in-service training;
- (b) Serving as a presenter or speaker at a conference, seminar, workshop, or in-service training; or
- (c) Publishing an article related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.

10109.4 The Board shall not grant credit for work done in the course of a requestor's normal occupation or incident to the performance of his or her regular duties, such as teaching courses, research, or course preparation in the case of a teacher or professor.

10109.5 A person seeking continuing education credits shall have the burden of verifying whether a program or activity is approved by the Board.

10109.6 Satisfactory proof of completion of a seminar, a workshop, or an educational program given at a conference or an in-service training shall include:

- (a) The name and address of the provider of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and

- (e) Verification by the course provider or accreditor of completion, by signature, stamp, or official transcript in the case of accreditors.

10110 CONTINUING EDUCATION CREDITS

- 10110.1 For the purposes of this chapter, one (1) credit hour shall mean sixty (60) minutes of learning time.
- 10110.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during the registration cycle for which the credit is claimed.
- 10110.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses audited during the registration cycle for which the credit is claimed.
- 10110.4 A requestor may receive a maximum of five (5) continuing education hours for attendance and completion of in-service training programs.
- 10110.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in-service training, subject to the following restrictions:
- (a) Hours granted pursuant to this section shall not exceed three (3) per registration cycle;
 - (b) If a person has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject;
 - (c) The presentation shall have been completed during the registration cycle for which credit is claimed; and
 - (d) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time or twice the amount of contact hours awarded to the participants.
- 10110.6 The Board may grant credit to an applicant for publication of an article in a professional journal or publication of a book or a chapter in a book or publication of a book review in a professional journal related to audiology or speech-language pathology, subject to the following restriction as relevant:
- (a) The Board may grant eight (8) hours of continuing education credit per registration cycle, if the book has been published or accepted for

publication during the period for which credit is claimed;

- (b) The Board may grant four (4) hours of continuing education per registration cycle to the sole author or co-author of a peer-reviewed, published original paper; or
- (c) The Board may grant one (1) continuing education hour of credit per registration cycle to the sole author of a published book review.

10199 DEFINITIONS

10199.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 10109.

Board – The Board of Audiology and Speech-Language Pathology, established by Section 841 of the Audiology and Speech-Language Pathology Amendment Act of 2006, effective March 6, 2007 (D.C. Law 16-219; D.C. Official Code § 3-1208.41 (2016 Repl.)).

Direct supervision – Supervision in which the supervisor is immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device and the supervisor personally diagnoses the condition to be treated, personally authorizes procedures, and personally evaluates the performance of the audiologist assistant before dismissal of the patient.

Registration Cycle – A period of two years between January 1 of each odd-numbered year, when a registration issued pursuant to this chapter begins to be effective, to December 31 of each even numbered year, when a registration issued pursuant to this chapter expires.

Reinstatement – The reinstatement of a registration in accordance with Section 512 of the Act (D.C. Official Code § 3-1205.12).

Supervisor – An audiologist who is qualified under § 10105.2 and is supervising an audiology assistant.

10199.2 The definitions in § 4099 of this title are incorporated by reference into and are applicable to this chapter.

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, (“the Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following new Chapter 102 (Speech-Language Pathology Assistants) to Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking will establish regulation for the registration of speech-language pathology assistants in accordance with Section 910 of the Act (D.C. Official Code § 3-1209.10 (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on December 9, 2016 at 63 DCR 15152. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 14, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended by adding a new Chapter 102 to read as follows:

CHAPTER 102 SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

- 10200 GENERAL PROVISIONS**
- 10201 TERM OF REGISTRATION**
- 10202 EDUCATIONAL REQUIREMENT**
- 10203 WAIVER OF EDUCATIONAL REQUIREMENT**
- 10204 REGISTRATION BY ENDORSEMENT**
- 10205 SCOPE OF PRACTICE**
- 10206 STANDARDS OF CONDUCT**
- 10207 SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS**
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10200 GENERAL PROVISIONS

10200.1 This chapter applies to applicants for and holders of a registration to practice as a speech-language pathology assistant.

10200.2 Chapter 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 79 (Speech-Language Pathology) of this title supplements this chapter.

10200.3 No person shall practice speech-language pathology assisting or as a speech-language pathology assistant without a registration issued pursuant to this chapter.

10200.4 Notwithstanding § 10200.3, during a period of twelve (12) months from the effective date of this chapter, a person who is practicing speech-language pathology assisting or as a speech-pathology assistant on the effective date of this chapter and continue to practice without a registration shall not be deemed to be in violation of § 10200.3.

10201 TERM OF REGISTRATION

10201.1 Subject to § 10201.2, a registration issued pursuant to this chapter shall expire at 12:00 Midnight of December 31st of each even-numbered year.

10201.2 The Director may change the renewal system and the expiration dates of registrations issued pursuant to this chapter pursuant to § 4006.3 of this title.

10202 EDUCATIONAL REQUIREMENT

10202.1 Except as otherwise provided in this chapter, to qualify for a registration to practice as a speech-language pathology assistant, an applicant shall have graduated from an accredited college or university with at least an associate's degree from a technical training program in speech-language pathology assisting or a bachelor's degree in speech-language pathology.

10203 WAIVER OF EDUCATIONAL REQUIREMENT

10203.1 The Board may waive the educational requirement of § 10202.1 for an applicant who:

- (a) Provides proof that he or she was employed as a speech-language pathology assistant practicing under the supervision of a speech-language pathologist for a minimum of fifteen (15) hours per week during three (3) of the five (5) years preceding before February 5, 2014; and
- (c) Applies for registration within twelve (12) months from the effective date of this provision.

10204 REGISTRATION BY ENDORSEMENT

10204.1 An applicant for registration by endorsement may qualify for registration by endorsement if the applicant is licensed, registered, certified, or accredited by an

accrediting association or a state board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent of the requirements of § 10202, at the time of the licensing, registration, certification, or accreditation.

10205 SCOPE OF PRACTICE

10205.1 No person may practice as a speech-language pathology assistant unless registered in accordance with the requirements of this chapter.

10205.2 A speech-language pathology assistant may only practice under the supervision of a licensed speech-language pathologist who meets the requirements of § 10207.2 of this title.

10205.4 A speech-language pathology assistant may assist a speech-language pathologist in providing speech-language pathology services and treatments, which may include the following duties:

- (a) Participating in parent conferences, case conferences, or any interdisciplinary team;
- (b) Signing or initialing informal treatment notes to be reviewed and co-signed by the supervising speech-language pathologist;
- (c) Using a checklist or tabulating results of feeding or swallowing evaluations; or
- (d) Treating medically fragile students, patients, or clients.

10205.5 A speech-language pathology assistant shall not engage in any of the following conducts:

- (a) Representing himself or herself as a speech-language pathologist;
- (b) Performing standardized or non-standardized diagnostic tests, formal or informal evaluations, or swallowing screenings/checklists;
- (c) Performing procedures that require a high level of clinical acumen and technical skills, including but not limited to vocal tract prosthesis shaping or fitting, vocal tract imaging, and oral pharyngeal swallow therapy with bolus material;
- (d) Interpreting clinical results or observations;
- (e) Participating in formal parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising speech-

language pathologist or other designated supervising speech-language pathologist;

- (f) Providing interpretative information to the student/patient/client, family, or others regarding the patient/client status or service;
- (g) Writing, developing, or modifying a student's, patient's, or client's treatment plan in any way;
- (h) Assisting with students, patients, or clients without following the individualized treatment plan prepared by the certified speech-language pathologist or without access to supervision;
- (i) Signing any formal documents (*e.g.*, treatment plans, reimbursement forms, or reports; the speech-language assistant may sign or initial informal treatment notes for review and co-sign with the supervising speech-language pathologist as requested);
- (j) Selecting students, patients, or clients for service;
- (k) Discharging a student, patient, or client from services;
- (l) Making referrals for additional service;
- (m) Disclosing clinical or confidential information either orally or in writing to anyone other than the supervising speech-language pathologist unless mandated by law;
- (n) Developing or determining the swallowing strategies or precautions for patients, family, or staff;
- (o) Treating medically fragile students/patients/clients independently;
- (p) Designing or selecting augmentative and alternative communication systems or devices; or
- (q) Invoicing a payor directly for his or her services.

10205.7 A speech-language pathology assistant shall meet with the supervising speech-language pathologist at least once per month to discuss his or her practice and services.

10205.9 A speech-language pathology assistant shall cease practice immediately if there is no speech-language pathologist providing current and active supervision.

10206 STANDARDS OF CONDUCT

- 10206.1 A speech-language pathology assistant shall adhere to the standards set forth in the most current publication of the “Code of Ethics” as published by the American Speech-Language-Hearing Association, as it may be republished from time to time.
- 10206.2 A speech-language pathology assistant shall clearly identify himself or herself to patients or clients as a speech-language pathology assistant practicing under the supervision of the supervising speech-language pathologist at all times.
- 10206.3 A speech-language pathology assistant shall display his or her current registration in a conspicuous place in the office in which he or she is employed.
- 10206.4 A speech-language pathology assistant shall perform only those functions of the profession that are within his or her scope of competence, training, and experience.

10207 SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

- 10207.1 The speech-language pathologist supervising a speech-language pathology assistant shall retain full professional and ethical responsibility for the professional conduct and performance of the speech-language pathology assistant and shall delegate duties only as consistent with the training, experience, and ability of the speech-language pathology assistant.
- 10207.2 A speech-language pathologist supervising a speech-language pathology assistant shall meet the following requirements:
- (a) Possess a current and valid license to practice speech-language pathology in the District of Columbia;
 - (b) Has practiced speech-language pathology in the District or any other jurisdiction of the United States for at least two (2) years; and
 - (c) Has not been the subject of a formal or public disciplinary action by the Board or any other jurisdiction within the United States within the previous two (2) years.
- 10207.3 The supervising speech-language pathologist shall provide direct supervision, which shall include:
- (a) Assuming responsibility for the supervisee’s conduct in the speech-language pathology office or treatment facility;
 - (b) Personally diagnosing the condition to be treated;

- (c) Remaining in the speech-language pathology office or treatment facility while the procedures are being performed by the supervisee; and
 - (e) Personally evaluates the performance of the supervisee before dismissal of the patient.
- 10207.4 The direct supervision described in § 10207.3 may include the supervisor viewing and communicating with the supervisee via telecommunication technology as the supervisee performs clinical services provided that the supervisor can directly observe and give ongoing, immediate feedback.
- 10207.5 A supervising speech-language pathologist may supervise no more than the equivalent of two (2) full-time speech-language pathology assistants at any given time.
- 10207.6 A speech-language pathologist may not supervise more than a total of four (4) individuals, inclusive of speech-language pathology assistant(s), speech-language pathology clinical fellow(s), and speech-language pathology student(s), at any given time regardless of the total number of work hours performed by the supervisees.
- 10207.7 The supervising speech-language pathologist shall be responsible for designing and implementing a supervisory plan that ensures the highest standard of quality care can be maintained for patients and clients.
- 10207.8 The supervising speech-language pathologist shall provide supervision consistent with the speech-language pathology assistant's known and documented ability, training, education, and experience; the needs of the patients and clients; the service setting; the tasks assigned; and requirements set forth in this chapter.
- 10207.9 The supervising speech-language pathologist shall co-sign all documents and therapy notes prepared by the speech-language pathology assistant.
- 10207.10 A supervising speech-language pathologist who will not be able to supervise a speech-language pathology assistant for more than one (1) week shall:
- (a) Inform the speech-language pathology assistant of the planned absence; and
 - (b) Make other arrangements for the speech-language pathology assistant's supervision of services while the speech-language pathologist is unavailable; or
 - (c) Inform the patients or clients that services will be rescheduled.
- 10207.11 A supervising speech-language pathologist shall maintain ongoing written documentation of a systematic method of supervision of speech-language

pathology assistants.

- 10207.12 The supervising speech-language pathologist shall maintain the record of all supervision and supervisory details provided to the speech-language pathology assistant continuously throughout the supervisory relationship. After the termination of the supervisory relationship, all supervision-related records shall be maintained and preserved for a minimum of three (3) years after the last adult patient or client is seen, served, or treated or all minor patients or clients have reached the age of majority, whichever is later.

10208 CONTINUING EDUCATION REQUIREMENTS

- 10208.1 This section shall apply to applicants for renewal, reinstatement, or reactivation of a registration and shall not apply to applicants for an initial registration or applicants seeking the renewal of a registration for the first time after the initial grant of the registration.
- 10208.2 To qualify for the renewal of a registration, an applicant shall have completed ten (10) hours of approved continuing education during the two (2)-year period preceding the date the license expires, including one (1) hour of ethics and two (2) hours of LGBTQ continuing education.
- 10208.3 To qualify for the reinstatement of a registration, an applicant shall have completed ten (10) hours of continuing education described in § 10208.2 during the two (2) years preceding the submission of the reinstatement application.
- 10208.4 To qualify for the reactivation of a registration in accordance with D.C. Official Code § 3-1205.11(c), the following applicant shall be deemed to meet the requirement of D.C. Official Code § 3-1205.11(c)(2):
- (a) An applicant who has been actively and lawfully practicing speech-language pathology assisting in another jurisdiction or territory of the United States;
 - (b) An applicant who has not been actively and lawfully practicing speech-language pathology assisting in another jurisdiction or territory of the United States, seeks the reactivation of the registration five (5) years or less after the last expiration of the registration, and has completed ten (10) hours of continuing education described in § 10208.2 during the two (2) years preceding the submission of the reactivation application; or
 - (c) An applicant who has not been actively and lawfully practicing speech-language pathology assisting in another jurisdiction or territory of the United States and seeks the reactivation of the registration more than five (5) years after the last expiration of the registration who can demonstrate his or her current competency to the Board's satisfaction.

10208.5 The Board may conduct a random audit of at least ten percent (10%) of its active registrants to determine continuing education compliance. Any registrant selected for the audit shall provide proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

10209 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

10209.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of speech-language pathology or speech-language pathology assisting, is current in its subject matter, and is developed and taught or conducted by qualified individuals.

10209.2 Subject to § 10209.1, the Board may grant continuing education credit for programs or activities offered or sponsored by the following organizations:

- (a) The Speech-Language Hearing Association of the District of Columbia or similar speech-language hearing association of another state;
- (b) The American Academy of Audiology;
- (c) The American Speech-Language Hearing Association (ASHA) and its approved continuing education providers;
- (d) An accredited provider of The Accreditation Council on Continuing Medical Education of the American Medical Association offering Category I continuing medical education;
- (e) The International Association of Continuing Education and Training (IACET) and its authorized providers;
- (f) A health care organization accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or
- (g) The International Hearing Society.

10209.3 Subject to § 10209.1, the Board may grant continuing education credit for the following activities:

- (a) Attendance and completion of:
 - (1) A course given at an accredited college or university;
 - (2) A seminar or workshop;

- (3) An educational program given at a conference; or
 - (4) An in-service training;
 - (b) Serving as a presenter or speaker at a conference, seminar, workshop, or in-service training; or
 - (c) Publishing an article related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.
- 10209.4 The Board shall not grant credit for work done in the course of a requestor's normal occupation or incident to the performance of his or her regular duties, such as teaching courses, research, or course preparation in the case of a teacher or professor.
- 10209.5 A person seeking continuing education credits shall have the burden of verifying whether a program or activity is approved by the Board.
- 10209.6 Satisfactory proof of completion of a seminar, a workshop, or an educational program given at a conference or an in-service training shall include:
- (a) The name and address of the provider of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the course provider or accreditor of completion of the course, by signature, stamp, or official transcript in the case of accreditors.

10210 CONTINUING EDUCATION CREDITS

- 10210.1 For the purposes of this chapter, one (1) credit hour shall mean sixty (60) minutes of learning time.
- 10210.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during a particular licensure cycle.
- 10210.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university.

- 10210.4 A requestor may receive a maximum of six (6) continuing education hours for attendance and completion of in-service training programs.
- 10210.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in- service training, subject to the following restrictions:
- (a) Hours granted pursuant to this section shall not exceed six (6) hours per licensure cycle;
 - (b) If a requestor has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject;
 - (c) The presentation was completed during the licensure cycle for which credit is claimed; and
 - (d) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time or twice the amount of contact hours awarded to the participants.
- 10210.6 The Board may grant credit for publication of an article related to audiology or speech-language pathology in a professional journal or publication of a book, a chapter in a book or a book review related to audiology or speech-language pathology, subject to the following restrictions as relevant:
- (a) The Board may grant up to eight (8) continuing education hours per licensure cycle to the author or sole editor of a published book if the book was published or accepted for publication during the period for which credit is claimed;
 - (b) The Board may grant four (4) continuing education hours per licensure cycle to the sole author or a co-author of a peer-reviewed, published original paper; or
 - (c) The Board may grant one (1) continuing education hour per licensure cycle to the sole author of a published book review.

10299 DEFINITIONS

10299.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 10209.

Board – the Board of Audiology and Speech-Language Pathology, established by

Section 841 of the Audiology and Speech-Language Pathology Amendment Act of 2006, effective March 6, 2007 (D.C. Law 16-219; D.C. Official Code § 3-1208.41 (2016 Repl.)).

LGBTQ continuing education – continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

Speech-language pathology assistant – a person duly registered and authorized to practice as a speech-language pathology assistant under this chapter.

Supervisor – A speech-language pathologist who is supervising a speech-language pathology assistant.

Registration Cycle – A period of two (2) years between January 1 of each odd-numbered year, when a registration issued pursuant to this chapter begins to be effective, to December 31 of each even-numbered year, when a registration issued pursuant to this chapter expires.

Reinstatement – The reinstatement of a registration in accordance with D.C. Official Code § 3-1205.12.

10299.2 The definitions in § 4099 of this title are incorporated by reference into and are applicable to this chapter.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF SECOND PROPOSED RULEMAKING****GT96-3, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY, DISTRICT OF COLUMBIA DIVISION, FOR THE AUTHORITY TO ESTABLISH A NEW RATE SCHEDULE NO. 1A;****RM47-2017-01-G, IN THE MATTER OF THE INVESTIGATION INTO THE PUBLIC SERVICE COMMISSION'S RULES GOVERNING THE LICENSURE AND BONDING OF NATURAL GAS SUPPLIERS AND NATURAL GAS CONSUMER PROTECTION STANDARDS IN THE DISTRICT OF COLUMBIA;****AND****FORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY**

1. On May 26, 2017, the Public Service Commission of the District of Columbia ("Commission"), pursuant to Sections 34-1671.01 through 34-1671.14 of the D.C. Official Code gave notice of the proposed adoption of Chapter 47 (Licensure of Natural Gas Suppliers) of Title 15 (Public Utilities and Cable Television) District of Columbia Municipal Regulations ("DCMR") Chapter 47 establishes the rules governing the licensure and bonding of Natural Suppliers in the District of Columbia, pursuant to the Retail Natural Gas Supplier and Consumer Protection Act of 2004, as codified in Sections 34-1671.01 through 34-1671.14 of the D.C. Official Code. Currently, the requirements for licensing Natural Gas Suppliers are set forth in GT 96-3, Order No. 12709, rel. April 25, 2003, and GT 96-3, Order No. 12903, rel. September 5, 2003. Bonding requirements for Natural Gas Suppliers are set forth in GT 96-3, Order No. 12709. The Natural Gas Consumer Protection Standards (NGCPS) was established in Order No. 12709 in order to provide uniform standards for billing, security deposits, disconnections and reconnections of service, resolution of complaints of residential natural gas customers, enrollment procedures, advertising by Natural Gas Suppliers, termination of contracts with Natural Gas Suppliers, and switching Natural Gas Suppliers. These standards apply to service provided to residential customers by Natural Gas Suppliers who have entered into a Natural Gas Supplier Application Agreement with the Natural Gas Company (Company) and/or have received a license to provide natural gas in the District of Columbia. The standards discussed in this chapter are not applicable to Washington Gas Light Company unless otherwise specified. These NGCPS provisions are detailed in Title 15 DCMR, Chapter 3 (Consumer Rights and Responsibilities). This Rulemaking proposes to put the licensing requirements and bonding requirements in a single chapter.

This Notice of Second Proposed Rulemaking (NOPR) includes the following attachments: (A) Supplier Application; (B) Form of Customer Payments Bond-Surety Bond; (C) Form of Integrity Bond for Natural Gas Suppliers other than Aggregators and Brokers-Surety Bond; and (D) Form of Integrity Bond for Aggregators and Brokers-Surety Bond. This Second

NOPR supersedes the previous NOPR published on May 26, 2017 at 64 DCR 004997. In this Second NOPR, the following sections were given further review and revised to reflect consistency with the Retail Electric Supplier Rules, where appropriate, and comments and reply comments filed by interested persons in response to the NOPR publication regarding Sections: (1) 4703.10; (2) 4703.11; (3) 4705.6; (4) 4706.1(b); and (5) 4708.1.

The Commission notes that these proposed rules may be amended in the future depending on actions taken in Formal Case 1130, In the Matter of the Investigation into Modernizing the Energy Delivery System for Increased Sustainability (MEDSIS proceeding).

A new Chapter 47, LICENSURE OF NATURAL GAS SUPPLIERS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is added to read as follows:

CHAPTER 47 LICENSURE OF NATURAL GAS SUPPLIERS

4700 APPLICABILITY

4701 LICENSING REQUIREMENTS

4702 COMMISSION ASSESSMENT AND FEES

4703 LICENSING PROCEDURES

4704 NATURAL GAS SUPPLIER EDUCATION WORKSHOP

4705 BOND REQUIREMENTS FOR NATURAL GAS SUPPLIERS COLLECTING DEPOSITS OR PREPAYMENTS (“CUSTOMER PAYMENTS BOND”)

4706 BOND REQUIREMENTS FOR FINANCIAL INTEGRITY (“INTEGRITY BOND”)

4707 PRIVACY PROTECTION POLICY

4708 COMMISSION REPORTING REQUIREMENTS

4709 COMMISSION ACTION REGARDING A LICENSEE

4710 SANCTION AND ENFORCEMENT

4799 DEFINITIONS

4700 APPLICABILITY

4700.1 **Application.** These rules apply to a Person who engages in the business of a Natural Gas Supplier in the District of Columbia. Natural Gas Suppliers include marketers, brokers, aggregators, any entities selling natural gas at retail and any entities selling competitive billing services. Natural Gas Suppliers do not include natural gas companies to the extent that the natural gas company provides natural gas sales or delivery service at rates regulated by the Commission.

4700.2 **Purpose.** These rules provide uniform requirements for obtaining any form of a Natural Gas Supplier License in the District of Columbia, describe the administrative procedures available to the Applicants and Licensees, outline the grounds for Commission action regarding a Licensee, and describe the sanctions that may be imposed by the Commission.

4700.3 **Restrictions.** No Person shall present itself as a licensed retail Natural Gas Supplier, perform the duties of a Natural Gas Supplier, accept Deposits or prepayments from retail customers, contract with retail customers or arrange for contracts for retail customers, prior to receipt of a license from the Commission.

4701 LICENSING REQUIREMENTS

4701.1 **Persons Subject to Licensing Requirements.** Any Person who engages in the business of a Natural Gas Supplier in the District of Columbia shall hold a Natural Gas Supplier License issued by the Commission.

4701.2 **Application Information Requirements for Natural Gas Suppliers.** An Application for a Natural Gas Supplier License and an Application for renewal of a Natural Gas Supplier License shall include the following information, in a manner and form specified by the Commission:

- (a) Proof of technical and managerial competence;
- (b) Proof of compliance with all applicable requirements of the Federal Energy Regulatory Commission, and any Natural Gas Transmission or Pipeline Company to be used by the Applicant;
- (c) A sworn verification that the Applicant is currently in compliance with, and will comply with all, applicable federal and District of Columbia environmental laws and regulations;
- (d) Proof of compliance with the Bonding Requirements set forth in §§ 4705 and 4706;
- (e) Proof that the Applicant has registered with the Department of Consumer and Regulatory Affairs and the Department of Finance and Revenue to do business in the District of Columbia;
- (f) A sworn verification that the Applicant is currently in compliance with, and will comply with, all applicable taxes;
- (g) A sworn verification that the Applicant is currently in compliance with, and will comply with all of the requirements of the Retail Natural Gas Licensing and Consumer Protection Act of 2004 (Act) and all orders and regulations of the Commission issued under the Act;
- (h) If the Applicant was a previously licensed supplier in the District but has surrendered that license under a former name or in this current applicant's name, the Applicant must:

- (1) Submit a sworn verification that it has paid all previously outstanding Commission and Office of the People's Counsel (OPC) imposed assessments and penalties;
 - (2) If prior assessments and penalties remain unpaid, submit a date certain when those assessments and any penalties will be paid; and
 - (3) If the Applicant fails to comply with either directive, its application will not be considered;
- (i) Applicant's web-site address;
 - (j) A sample copy each of the Natural Gas Supplier's natural gas supply Customer contracts (*e.g.*, fixed, variable) and a sample bill;
 - (k) The name and contact information for the Natural Gas Supplier's designated contact Person for Customer and consumer complaints;
 - (l) The Trade name(s) or d/b/a (doing business as name(s)) if the Applicant will be using either while doing business as a Natural Gas Supplier in the District of Columbia; and
 - (m) Any other information required by the Commission.

4702 COMMISSION ASSESSMENT AND FEES

- 4702.1 The Licensee or the Natural Gas Supplier shall pay an assessment for the costs and expenses of the Commission and the Office of the People's Counsel as required by D.C. Official Code §§ 34-912 (b) and 34-1671.11.
- 4702.2 The Licensee or the Natural Gas Supplier shall pay any additional fees imposed by the Commission pursuant to the Commission's rules, regulations, or orders. Renewal Applications may not be approved if the Licensee or Natural Gas Supplier owes any outstanding assessment to the Commission, the Office of the People's Counsel, or both.

4703 LICENSING PROCEDURES

- 4703.1 **Scope.** These procedures apply to an Application for a Natural Gas Supplier License before the Commission and the renewal of a Natural Gas Supplier License.

- 4703.2 **Form.** An Application for a Natural Gas Supplier License shall be made to the Commission in writing on the applicable form provided by the Commission (See the form set out in Attachment A); be verified by oath or affirmation; and be accompanied by an Application fee of four hundred dollars (\$400.00).
- 4703.3 **Number of copies; Service.** Each Applicant shall file a signed and verified original and an electronic version of their application and attachments.
- 4703.4 **Change in Application Information.** The Applicant shall immediately inform the Commission of any change in the information provided in the Application during the pendency of the Application process.
- 4703.5 **Notice of Incomplete Application (Deficiency Letter).** The Commission shall review the submitted Application for completeness within fifteen (15) days of receipt of the Application and inform the Applicant if the Application is either complete or incomplete. If the Application is complete, the Commission shall notify the Applicant in writing that the Application has been accepted for filing. If the Application is incomplete, the Commission shall notify the Applicant in writing of the deficiencies in the Application. The Applicant shall have ten (10) days, or such additional time as the Commission may designate if it extends the time period for good cause shown, to provide the information requested in the deficiency letter. Once the deficiency has been cured by the Applicant, the Commission will notify the Applicant in writing that the Application is now complete and has been accepted for filing. If the Applicant does not provide the information to the Commission within ten (10) days or within the alternative time period set by the Commission, the Application shall be deemed dismissed without prejudice. An Applicant may submit a new Application at any time.
- 4703.6 **Comments and Objections Regarding Filed Application.** All persons interested in filing an objection or a comment regarding the filed Application or the licensure of an Applicant may submit written comments or objections to the Commission Secretary and to the Applicant no later than twenty (20) days after the Application has been posted on the Commission's website. An Applicant may file reply comments no later than ten (10) days after objections or comments are filed with the Commission Secretary. The Commission may waive this filing deadline at its discretion.
- 4703.7 **Review of Complete Application.** Upon determining that an Application is complete, the Commission shall conduct an appropriate investigation of the information provided by the Applicant in the complete Application and of any objections or comments received on the Application. Within fifteen (15) days after the comment period has expired, the Commission shall conclude its investigation and issue a Licensing Order approving or denying the Application if no objections or comments are filed. If an objection to licensure or comments is

filed, the Commission shall conclude its investigation and issue a Licensing Order approving or denying the Application within sixty (60) days after the comments or objection period has expired. In the event that the Commission denies a License to an Applicant, the Commission shall state in writing its reasons for such denial and file its determination with the Commission Secretary. A copy of the Commission determination shall also be served on the Applicant and the Office of the People's Counsel.

4703.8 **Licensee's Update Information.** A licensed Natural Gas Supplier shall comply with any information update requirements or supplemental information requirements pursuant to Subsections 4708.1 and 4708.2 and in Order No. 12709, Attachment C.

4703.9 **Term of Natural Gas Supplier License.** A Natural Gas Supplier License is valid until the expiration date of five (5) years after issuance, or until revoked by the Commission or surrendered by the licensed Natural Gas Supplier. Within sixty (60) days prior to the expiration of the five (5) year period, a Natural Gas Supplier must renew its license pursuant to the licensing requirements and procedures set forth in Sections 4701 and 4702, respectively. Currently licensed Natural Gas Suppliers shall renew their licenses, pursuant to the licensing requirements and procedures set forth in Sections 4701 and 4702, respectively, within five (5) years from the effective date of this chapter.

4703.10 **Transfer of Natural Gas Supplier License.** A Natural Gas Supplier License is not transferable without the prior approval of the Commission. To obtain the approval of the Commission, a Licensee shall file a Transfer Application in a format similar to an application for a natural gas supplier license (see Attachment A) with the Commission Secretary. After receiving the Transfer Application, the Commission shall give public notice by posting the Transfer Application on its website. All Persons interested in filing an objection or a comment regarding the filed Transfer Application may submit written comments or objections to the Commission's Secretary no later than thirty (30) days after the posting of the Transfer Application on the Commission's website. The Licensee may file reply comments no later than seven (7) days after objections or comments are filed. The Commission may waive this filing deadline at its discretion. Within thirty (30) days after the comment period has expired, the Commission shall issue an order approving or denying the Transfer Application if no objections or comments are filed. If an objection to a Transfer Application or a comment is filed, the Commission shall conclude its investigation and issue an order approving or denying the Transfer Application within sixty (60) days after the comments or objection period has expired. In the event that the Commission denies a Transfer Application, the Commission shall state in writing its reasons for such denial and file its determination with the Commission Secretary. A copy of the

Commission's determination shall also be served on the Licensee and on the Office of the People's Counsel.

- 4703.11 **Solicitation of Customers.** A Licensee (both new and existing who has not initially started serving customers (residential or small commercial) shall notify the Commission and OPC within seven (7) days before the Licensee begins soliciting or marketing to customers directly through an authorized representative in the District of Columbia. This is a one-time initial notice prior to the Licensee beginning its marketing to or soliciting District consumers. The notice shall include the name of the licensed Natural Gas Supplier's designated contact person for pricing information if the Licensee is serving Residential Customers and small commercial Customers and the URL address of the Natural Gas Supplier's website. The Licensee shall provide the Commission and OPC with a copy of its flyers, consumer pamphlets, scripts and other proposed marketing material at the time of notification. Also, each sales representative and marketing agent or representative conducting door to door solicitations shall be required to present a company photo identification to Customers as part of the solicitation process. In addition, the Licensee is required to maintain a record of the identity of each sales representative and marketing agent or representative active in the District, including the company photo identification, and make it available upon request to the Commission. Also, the Natural Gas Supplier shall maintain the photo identification record for a period of six months after representative or agent has been employed or marketing on the supplier's behalf. When a Licensee contracts with an independent contractor or vendor to perform marketing or sales activities on the Licensee's behalf, the Licensee shall confirm that all of the sales and marketing personnel of the contractor or vendor have also read the relevant provisions of Chapters 3 (Consumer Rights and Responsibilities) and 47 of Title 15 DCMR before they may begin soliciting customers in the District of Columbia.
- 4703.12 **Electronic Solicitation.** For the purpose of monitoring compliance with Chapter 3's Electronic Solicitation Rules regarding electronic solicitation on the Licensee's website, each Licensee who contracts electronically with customers shall provide the Commission with screenshots of their online enrollment web pages upon request.
- 4703.13 **Serving Customers.** A Licensee shall do the following before it begins to serve customers in the District of Columbia: (a) notify the Commission of its estimated start date when it will begin to serve customers in the District of Columbia; and (b) file an affidavit attesting that all sales and marketing and regulatory personnel including independent contractors and vendors performing marketing or sales activities on the Licensees' behalf have read the relevant provisions of Chapters 3 (Consumer Rights and Responsibilities) and 47 of Title 15 DCMR before they begin soliciting customers in the District of Columbia.

- 4703.14 **Cessation of Business in the District of Columbia or Cessation of Business to a Customer Class.** A Licensee shall provide to the Commission at least sixty (60) days prior written notice of the Licensee's intention to cease providing natural gas (a) to all Customers in the District of Columbia; or (b) to all Customers within a specified Customer class. Upon receipt of such notice, the Commission may order the Licensee to provide such further notice to Customers or to the public as the Commission deems necessary, and/or take such other action that the Commission deems appropriate.
- 4703.15 **Natural Gas Company and Licensee Responsibilities in the Event of Default.** In the event of a default, the Licensee and the Natural Gas Company (Company) shall abide by the Firm Delivery Service Gas Supplier Agreement-Rate Schedule No. 5 Tariff. Also, a Defaulted Licensee using consolidated billing services remains obligated to provide the Natural Gas Company with information necessary to allow the Natural Gas Company to continue consolidated billing through the conclusion of the billing cycle in which the default occurred. The Defaulted Licensee using consolidated billing services is prohibited from issuing bills to persons who were Customers at the time of the default unless specifically authorized by the Commission. A request to authorize a Defaulted Licensee to bill directly may be made to the Commission by the Defaulted Licensee or the Natural Gas Company. In order that a Defaulted Licensee's charges may be included in Natural Gas Company consolidated billing services, a Defaulted Licensee and the Natural Gas Company shall abide by the Firm Delivery Service Gas Supplier Agreement-Rate Schedule No. 5 Tariff.
- 4703.16 **Required Notices Upon Default.** Upon default, a Licensee shall immediately notify its Customers of its default by the preferred method that each customer has selected to receive notifications and send written notice by electronic mail to the Natural Gas Company and Commission notifying them of its default. Upon receipt of notice of a Licensee's default from the defaulting Licensee, the Natural Gas Company shall immediately provide the defaulting Licensee's Customers Default Service in accordance with the Firm Delivery Service Gas Supplier Agreement-Rate Schedule No. 5 Tariff, unless or until a Customer notifies the Natural Gas Company that the Customer has selected a new Natural Gas Supplier.
- 4703.17 **Accuracy of Information.** Any Applicant who knowingly or in reckless disregard submits misleading, incomplete, or inaccurate information to the Commission during the Application Process may have its Application rejected, its Natural Gas Supplier License suspended or revoked or be otherwise penalized in accordance with applicable law and the provisions of the Commission's rules in Section 4709.
- 4703.18 **Proprietary and Confidential Information.** In its Application, the Applicant may designate as confidential information documents provided in response to

Sections 4d and 14 of the Application related to the ownership of the Applicant (to the extent such information is not already public) and financial information. If an interested person requests the release of this information, the Applicant shall have the burden of proving the confidential nature of the information. The Commission will notify the Applicant of any request for release of this information and will permit the Applicant to respond to the request through a written motion filed with the Commission prior to the Commission's determination on the request. The Commission may order the release of information if an Applicant does not meet its burden of proving that the information is confidential pursuant to the requirements with regard to the handling of confidential information in 15 DCMR §§ 150 *et seq.*

4704 NATURAL GAS SUPPLIER EDUCATION WORKSHOP

4704.1 **Natural Gas Supplier Education Workshop.** Within one hundred eighty (180) days of approval of a License Application or within one (1) year of the effective date of this chapter, whichever is later, each Licensee's Regulatory Contact or Licensee's representative responsible for the Licensee's compliance with the Commission's rules shall complete the Natural Gas Supplier Education Workshop sponsored by the Commission. Successful completion of the workshop by the Licensee shall be evidenced by a certificate issued by the Commission. Thereafter, each Licensee shall certify annually that its Regulatory Contact or representative responsible for the Licensee's compliance with the Commission's rules has completed the Natural Gas Supplier Education Workshop sponsored by the Commission or is otherwise knowledgeable with respect to the Commission's Natural Gas Supplier rules.

4705 BOND REQUIREMENTS FOR NATURAL GAS SUPPLIERS COLLECTING DEPOSITS OR PREPAYMENTS ("CUSTOMER PAYMENTS BOND")

4705.1 **Applicability.**

Any Natural Gas Supplier that states on its Application that it intends to charge Deposits or collect Prepayments or that does in fact require a Deposit or collects a Prepayment, shall post a Customer Payments Bond with the Commission, in addition to any Integrity Bond that may be required or submitted and shall submit the certification described in this section. Any Natural Gas Supplier that states on its Application that it does not intend to charge Deposits or collect Prepayments and that does not in fact require a Deposit or collect any Prepayment will not be required to post a Customer Payments Bond or provide the certification described below. Any Licensee that actually charges a Deposit or collects a Prepayment without posting the required Customer Payments Bond may be subject to suspension, revocation,

or other action against its license, as well as be held liable for restitution to any Customers who paid such Deposits or Prepayments. Any Licensee requiring, charging, collecting or holding Deposits, or Prepayments may not request return of a current Customer Payments Bond (as defined in this chapter) or waiver of the requirements for a future Customer Payments Bond, unless and until the Licensee returns the Deposits or Prepayments to its Customers or provides the services to which the Deposit or Prepayments applied.

4705.2 Procedure for Determining Amount of a Customer Payments Bond:

- (a) **Initial Bond:** Before accepting any Deposits or Prepayments, a Licensee shall post an initial Customer Payments Bond of fifty thousand dollars (\$50,000) in the form as set out in Attachment C (Form of Customer Payments Bond-Surety Bond).
- (b) **Six Month Certification:** Within six (6) months after the initial Customer Payments Bond is posted, the Licensee shall provide to the Commission, with any appropriate confidentiality designations: (1) a certification, subject to review by the Commission, of the amount of the Deposits and Prepayments held by the Licensee, and (2) a Customer Payments Bond in an amount that is at least equal to the amount reflected in that certification.
- (c) **Annual Certification:** Annually thereafter, coinciding with the annual update requirements of the Commission's rules pursuant to Subsections 4708.1 and 4708.2, the Licensee shall provide to the Commission (with appropriate confidentiality designations): (1) certification of the amount of the Deposits and Prepayments held by the Licensee and (2) a Customer Payments Bond in an amount that is at least equal to the amount reflected in that certification.

4705.3 Form of the Bond. Any Applicant or Licensee required to provide a bond under this section shall provide a bond issued by a company authorized to do business in the District of Columbia in a form required by the Commission. At a minimum, the bond form shall:

- (a) Designate the Commission as the sole beneficiary of the bond;
- (b) Be continuous in nature. If a Licensee seeks to cease providing the bond it must seek approval from the Commission at least sixty (60) days prior to the time it wants to discontinue maintaining the bond;

- (c) Cover payment of all District of Columbia Deposits and Prepayments of the Licensee that occurred while the bond was in force; as identified by the Commission under these standards; and
- (d) State that the proceeds of the bond shall be paid or disbursed as directed by the Commission. See Attachment C (Form of Customer Payments Bond-Surety Bond).

4705.4 **Commission Verification.** Each Licensee shall provide appropriate certification, at the intervals discussed in Subsection 4705.2 of funds collected by the Licensee for Prepayments and/or Deposits. Each Licensee shall certify the amount of funds held for Deposits and Prepayments through a notarized statement, subject to verification by the Commission. The certification and any audit by the Commission will verify the year to date collections and balances of Prepayments and Deposits as of a specific date and will be used to verify whether the Licensee has the appropriate amount of Customer Payments Bond coverage. The Commission reserves the right, in its sole discretion, to order the Licensee to have a Certified Public Accountant review such balances, should conditions warrant such a review.

4705.5 **Compliance Investigations.** The Commission may initiate appropriate investigations if it determines a Natural Gas Supplier or a Licensee may be collecting Prepayments and/or Deposits from Customers without appropriate Customer Payments Bond coverage. The Commission may utilize appropriate legal remedies both to investigate and, if appropriate, to enforce its requirements for appropriate Customer Payments Bond coverage.

4705.6 **Bond Foreclosure.** The Commission may foreclose upon any bond posted with the Commission when, in the Commission’s discretion, foreclosure is necessary to ensure the fair and lawful treatment of the District of Columbia’s Residential and/or Small Commercial Customers by a Licensee, to ensure that Deposits and Prepayments collected by a Licensee from a Customer will be paid. In order to draw funds on this Bond, the Commission Secretary shall present an affidavit sworn to and signed by the Commission Secretary to the surety stating that the Commission has determined that the Licensee has not satisfactorily performed its obligations to a Customer who has suffered actual and direct damages or loss of a Deposit or Prepayment in a specific amount by means of failure, or by reason of breach of contract or violation of the Act and any orders, regulations, rules or standards promulgated thereto.

4706 BOND REQUIREMENTS FOR FINANCIAL INTEGRITY (“INTEGRITY BOND”)

4706.1 **Exclusion.**

- (a) A Natural Gas Supplier or Licensee that cannot provide evidence to the satisfaction of the Commission that it meets the standards listed in Subsection 4706.2 below will be required to submit an initial Integrity Bond of fifty thousand dollars (\$50,000), unless that Natural Gas Supplier or Licensee is applying to provide service as an Aggregator who does not take title to natural gas or as a Broker, in which case a ten thousand dollars (\$10,000) Integrity Bond will be required. However, a Natural Gas Supplier or Licensee that meets the standards listed in Subsection 4705.2 below may still be required to provide a bond to demonstrate financial integrity for the Application on a case-by-case basis. This initial Integrity Bond shall be updated in accordance with the requirements set forth in Subsection 4706.3, except that Aggregators who do not take title and Brokers will not be required to update the initial \$10,000 Integrity Bond.
- (b) After continuously providing service in the District for two (2) years, any Licensee that has submitted an Integrity Bond to the Commission in compliance with these requirements may request that the Commission return the previously posted Integrity Bond and waive the requirement for a future bond based upon the Licensee's demonstrated record of continuous and uninterrupted service in the District, without meaningful substantiated consumer complaints, as determined by and in the opinion of the Commission, and such other information as the Licensee may choose to present to the Commission. The Commission may accept or reject this request based on a review of information provided by the Licensee and such other information as the Commission may deem appropriate. The Commission retains the discretion to require an Integrity Bond of the Licensee at a later date if circumstances change, or if the Commission otherwise deems the requirement of an Integrity Bond to be necessary and appropriate.

4706.2 **Applicability.** Any Natural Gas Supplier or Licensee that can provide credible evidence that it meets the following standards is not required to post an Integrity Bond in the District of Columbia:

- (a) A current credit rating of BBB- or higher from a nationally-recognized credit rating service;
- (b) A current commercial paper rating of A2 or higher by Standard & Poor's and/or P2 or higher by Moody's or similar rating by another nationally-recognized rating service;
- (c) An unused line of bank credit or parent guarantees deemed adequate by the Commission; or

- (d) Any other evidence of financial integrity that the Commission may deem appropriate.

4706.3

Procedure for Determining Amount of a Financial Integrity Bond

- (a) **Initial Integrity Bond:** Any Natural Gas Supplier that cannot meet the above criteria for financial integrity, and that is not applying to provide service as an Aggregator that does not take title to natural gas or a Broker, shall post an initial Integrity Bond of fifty thousand dollars (\$50,000). If the Natural Gas Supplier is applying to provide service as an Aggregator that does not take title to natural gas or as a Broker, the initial required Integrity Bond amount is ten thousand dollars (\$10,000).
- (b) **Future Updates:** The Commission, in its sole discretion, may determine whether or not to reevaluate the amount of the Integrity Bond in light of any changing conditions in the natural gas market at the time that a Licensee submits updated information, taking into consideration the Licensee's previous and ongoing relationship with its customers and its historical compliance with Commission rules and requirements. The Commission may request such information from the Licensee as may be necessary to make its evaluation.

4706.4

Form of the Bond. Any Natural Gas Supplier or Licensee required to provide a bond under this section shall provide a bond issued by a company authorized to do business in the District of Columbia in a form required by the Commission. At a minimum, this form shall:

- (a) Designate the District of Columbia, or the Commission, as the sole beneficiary of the bond;
- (b) Be continuous in nature. If any Licensee seeks to cease providing the bond it shall seek approval from the Commission at least sixty (60) days prior to the time it wants to discontinue maintaining the bond;
- (c) Cover payment of all of the Licensee's District of Columbia Deposits and Prepayments that occurred while the bond was in force as identified by the Commission under these standards;
- (d) State that the proceeds of the bond shall be paid or disbursed as directed by the Commission; and
- (e) Be in the format set out in Attachment D (Form of Integrity Bond for Natural Gas Suppliers and Marketers-Surety Bond, or Attachment E (Form of Integrity Bond for Aggregators and Brokers-Surety Bond).

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- 4706.5 **Commission Verification.** Each Licensee shall provide appropriate verification, at the intervals discussed in Subsection 4705.2 of funds collected by the Licensee for Prepayments and/or Deposits. Each Licensee shall certify the amount of funds held for Deposits and Prepayments through a notarized statement, subject to verification by the Commission. The certification and any audit by the Commission will verify the year to date collections and balances of Prepayments and Deposits as of a specific date and will be used to verify whether the Licensee has the appropriate amount of Customer Payments Bond coverage. The Commission reserves the right, in its sole discretion, to order the Licensee to have a Certified Public Accountant review such balances, should conditions warrant such a review.
- 4706.6 **Compliance Investigations.** The Commission can initiate appropriate investigations if it has reason to believe that any Licensee may be providing service without appropriate Bond coverage. The Commission will utilize appropriate legal remedies both to investigate and, if appropriate, to enforce its requirements for an appropriate Integrity Bond.
- 4706.7 **Bond Foreclosure.** The Commission's foreclosure of an Integrity Bond shall be limited to those instances where damages to the Customers by the Licensee are "actual and direct". In order to draw funds on this Bond, the Commission Secretary shall present an affidavit sworn to and signed by the Commission Secretary to the surety stating that the Commission has determined that the Licensee has not satisfactorily performed its obligations to a Customer who has suffered actual and direct damages or loss of a Deposit or Prepayment in a specific amount by means of failure, or by reason of breach of contract or violation of the Act and any orders, regulations, rules or standards promulgated thereto.

4707 PRIVACY PROTECTION POLICY

- 4707.1 All Applicants and current Licensees shall submit to the Commission Secretary a copy of their Privacy Protection Policy that demonstrates compliance with 15 DCMR § 308 (Use of Customer Information) and 15 DCMR § 309 (Privacy Protection Policy) within ninety (90) days of the effective date of this chapter, or within sixty (60) days of approval of their Natural Gas Supplier License Application, whichever date is later. The Privacy Protection Policy shall protect against the unauthorized disclosure or use of customer information about a Customer or a Customer's use of natural gas.

4708 COMMISSION REPORTING REQUIREMENTS

4708.1 **Updates to an Approved Application.** After an Application has been approved, a Licensee shall inform the Commission of new information that changes or updates any part of the Application, including but not limited to the averment regarding any civil, criminal, or regulatory penalties imposed on the Licensee, within thirty (30) days of the change or the new information. An Applicant or a Licensee shall also inform the Commission of changes to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily within twenty-four (24) hours of the institution of such proceedings.

- (a) If a Licensee changes any of its marketing materials, it shall provide the new materials to the Commission and OPC within thirty (30) days prior to when the Licensee starts using the new material to solicit Customers; and
- (b) If a Licensee changes its trade name or the d/b/a name that it is using in the District of Columbia, the Licensee shall notify the Commission within ten (10) days of the effective date of the change.

4708.2 **Annual Reporting Requirements.** The Licensee shall annually review its Application and submit updated information as needed. Annual updates shall be filed with the Commission Secretary within one hundred twenty (120) days after the anniversary of the grant of the License. The Licensee shall, if it is serving Residential Customers and Small Commercial Customers, also submit or update as needed the name of its Regulatory Contact, website address, the contact for pricing information, copies of its flyers, scripts, pamphlets and other marketing materials. The Licensee shall recertify annually that it has complied with Subsection 4704.2(c) of this chapter. A Licensee shall provide any information required by any other Commission order or regulation. The Licensee shall also annually file a copy of its Privacy Protection Policy with the Commission Secretary.

4709 COMMISSION ACTION REGARDING A LICENSEE

4709.1 **Commission Investigation.** The Commission may initiate an investigation of a Licensee upon its own motion or upon the complaint of the Office of the People's Counsel, the D.C. Office of the Attorney General, or any aggrieved person. The Commission shall provide written notice of the investigation to the Licensee, and shall provide the Licensee an opportunity for a hearing in accordance with District of Columbia law and Commission regulations.

4709.2 **Grounds for Commission Action.** The Commission may take action regarding a Licensee for just cause as determined by the Commission. "Just cause" includes, but is not limited to, the following:

- (a) Knowingly or with reckless disregard, providing false or misleading information to the Commission;
- (b) Switching, or causing to be switched, the natural gas supply for a Customer without first obtaining the Customer's permission, a practice commonly known as slamming;
- (c) Disclosing information about a Customer supplied to the Licensee by the Customer or using information about a Customer for any purpose other than the purpose for which the information was originally acquired, without the Customer's written consent, unless the disclosure is for bill collection or credit rating reporting purposes or is required by law or an order of the Commission;
- (d) Adding services or new charges to a Customer's existing retail natural gas service options without the Customer's consent, a practice commonly known as cramming;
- (e) Failure to provide adequate and accurate information to each Customer about the Licensee's available services and charges;
- (f) Discriminating against any Customer based wholly or in part on the race, color, creed, national origin, sex, or sexual orientation of the Customer or for any arbitrary, capricious, or unfairly discriminatory reason;
- (g) Refusing to provide natural gas or related service to a Customer unless the refusal is based on standards reasonably related to the Licensee's economic and business purposes;
- (h) Failure to post on the Internet adequate and accurate information about its services and rates for Small Commercial Customers and Residential Customers;
- (i) Failure to provide natural gas for its Customers when the failure is attributable to the actions of the Natural Gas Supplier;
- (j) Committing fraud or engaging in sales, marketing, advertising, or trade practices that are unfair, false, misleading, or deceptive such as engaging in any solicitation that leads the Customer to believe that the Licensee is soliciting on behalf of, or is an agent of, the District of Columbia Natural Gas Company when no such relationship exists;
- (k) Failure to maintain financial integrity;

- (l) Violating a Commission regulation or order including, but not limited to engaging in direct Solicitation to Customers without complying with the Commission's solicitation rules as provided in the Consumer Protection Standards Applicable to Energy Suppliers (15 DCMR § 327);
- (m) Failure to pay, collect, remit, or accurately calculate applicable taxes;
- (n) Violating an applicable provision of the D.C. Official Code or any other applicable consumer protection law;
- (o) Conviction of the Licensee or any principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers of offices of the Licensee) for any fraud-related crimes (including, but not limited to, counterfeiting and forgery, embezzlement and theft, fraud and false statements, perjury, and securities fraud);
- (p) Imposition of a civil, criminal, or regulatory sanction(s) or penalties against the Licensee or any principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers or officers of the Company) pursuant to any state or Federal consumer protection law or regulation;
- (q) Conviction by the Licensee or principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers or officers of the Licensee) of any felony that has some nexus with the Licensee's business;
- (r) Filing of involuntary bankruptcy/insolvency proceedings against the Licensee or filing of voluntary bankruptcy/insolvency proceedings by the Licensee;
- (s) Suspension or revocation of a license by any state or federal authority, including, but not limited to, suspension or revocation of a license to be a power marketer issued by the Federal Energy Regulatory Commission;
- (t) Imposition of any enforcement action by any Independent System Operators or Regional Transmission Organization used by the Licensee;
- (u) Failure to provide annually an updated Privacy Protection Policy that complies with 15 DCMR § 308 (Use of Customer Information) and 15 DCMR § 309 (Privacy Protection Policy);

- (v) Failure of a Licensee, who has not initially started serving customers in the District, to notify the Commission as soon as the Licensee begins soliciting or marketing to customers directly or through an authorized representative per Subsection 4702.11. This is a one-time initial notice prior to the Licensee beginning its marketing to or soliciting District consumers;
- (w) Failure of the Licensee or Natural Gas Supplier to pay its assessment for the costs and expenses of the Commission and the Office of the People's Counsel as required by D.C. Official Code § 34-912(b) and any penalties prescribed by D.C. Official Code § 34-1671.11; or
- (x) Failure to comply with any Commission regulation or order.

4710 SANCTIONS AND ENFORCEMENT

4710.1 **Sanctions.** Natural Gas Suppliers and Licensees are subject to sanctions for violations of the District of Columbia Code, and applicable Commission regulations and orders. The following sanctions may be imposed by the Commission:

- (a) **Civil Penalty.** The Commission may impose a civil penalty of not more than \$10,000 for each violation. Each day a violation continues shall be considered a separate violation for purposes of this penalty. The Commission shall determine the amount of a civil penalty after consideration of the following:
 - (1) The number of previous violations on the part of the Licensee;
 - (2) The gravity and duration of the current violation; and
 - (3) The good faith of the Licensee in attempting to achieve compliance after the Commission provides notice of the violation.
- (b) **Customer Refund or Credit.** The Commission may order a Licensee or and Natural Gas Supplier to issue a full refund for all charges billed or collected by the Licensee or Natural Gas Supplier or a credit to the Customer's account. Specifically,
 - (1) If slamming occurred, the Licensee or the Natural Gas Supplier shall refund to the Customer all monies paid to the Licensee or the Natural Gas Supplier; and

(2) If cramming occurred, the Licensee or the Natural Gas Supplier shall refund to the Customer three times the amount of the unauthorized charges paid to the Licensee or the Natural Gas Supplier.

(c) **Cease and Desist Order.** The Commission may order the Licensee or the Natural Gas Supplier to (1) cease adding or soliciting additional customers; (2) cease serving customers in the District of Columbia; and (3) cease any action found to be in violation of District of Columbia law, or Commission rules and regulations.

(d) Cancellation of a contract or part of a contract between a Customer and a Licensee or a Natural Gas Supplier;

(e) Suspension of a Licensee's License; and

(f) Revocation of a Licensee's License.

4710.2 **Commission Access to Records.** As part of any Commission investigation, the Commission shall have access to any accounts, books, papers, and documents of the Licensee or the Natural Gas Supplier that the Commission considers necessary in order to resolve the matter under investigation.

4710.3 **Emergency Action by the Commission.** The Commission may temporarily suspend a License, issue a temporary cease and desist order, or take any other appropriate temporary remedial action, pending a final determination after notice and hearing, if the Commission determines that there is reasonable cause to believe that Customers or the reliability of natural gas supply in the District of Columbia is or will be harmed by the actions of a Licensee or a Natural Gas Supplier.

4799 DEFINITIONS

4799.1 For the Purposes of these rules, the following terms have their meanings indicated.

Act: The "Retail Natural Gas Supplier Licensing and Consumer Protection of Act of 2004."

Affiliate: A Person who directly or indirectly, or through one or more intermediaries, controls, is controlled by, or is under common control with, or has, directly or indirectly, any economic interest in another person.

Aggregator: A Person that acts on behalf of customers to purchase natural gas.

Applicant: A Person who applies for a Natural Gas Supplier License required by the Act.

Application: The written request by a Person for a Natural Gas Supplier License in a form specified by the Commission. The Application form for a Natural Gas Supplier License in the District of Columbia is attached to these rules (See Attachment A).

Broker: A person who acts as an agent or intermediary in the sale and purchase of natural gas but who does not take title to natural gas.

Commission: The Public Service Commission of the District of Columbia.

Competitive Billing: The right of a customer to receive a single bill from the Company, a single bill from the Natural Gas Supplier, or separate bills from the Company and the Natural Gas Supplier.

Consolidator: Any owner of, or property manager for multi-family residential, commercial office, industrial, and retail facilities who combines more than one property for the primary purpose of contracting with an aggregator or natural gas service provider for natural gas services for those properties, and who: (a) Does not take title to natural gas; (b) Does not sell natural gas to or purchase natural gas for buildings not owned or managed by such owner or property manager; (c) Does not offer aggregation of natural gas services to other, unrelated end-users; and (d) Arranges for the purchase of natural gas services only from duly licensed Natural Gas Suppliers or Aggregators.

Consumer/Customer: A purchaser of natural gas for their own end use in the District of Columbia. The term excludes the nonresidential occupant or tenant of a nonresidential Rental Unit of a building where the owner, lessee, or manager manages the internal distribution system serving the building and supplies natural gas solely to occupants of the building for use by the occupants.

Customer Consent Form: Means by which a customer can enroll with a Natural Gas Supplier. The Customer Consent Form must be executed by a residential customer, and received by a Natural Gas Supplier, for an enrollment transaction to be valid. Natural Gas Suppliers are required to maintain the customer consent forms for the duration of the contract. Upon request by the Company or the Commission, the Natural Gas Supplier is required to provide a copy of the consent form. If the

supplier cannot provide a copy of the consent form, then the customer will be returned to sales service or back to their alternative Natural Gas Supplier. The Commission has the authority to institute, at any time, a requirement that the Natural Gas Supplier continuously provide the Commission with copies of each of its consent forms. The Commission will make such a determination on a case-by-case basis, if it finds just cause and if it determines that such a requirement is in the best interest of consumers.

Cramming: The unauthorized addition of services or charges to a customer's existing service options.

Customer Payments Bond: A bond or other form of acceptable financial instrument such as a line of credit, sworn letter of guarantee, bank loan approval documents, recent bank statements, vendor financing agreements or underwriting agreements in an amount at least equal to the total amount of Deposits or Prepayments specified in this section.

Deposit: Any payment made by a residential consumer to a Natural Gas Supplier to secure the Natural Gas Supplier against the consumer's nonpayment or default.

Defaulted Licensee: A Licensee is in default and is unable to deliver natural gas because: (a) the Commission revokes or suspends the Natural Gas Supplier's retail Natural Gas Supplier License; or (b) the Licensee is unable to transact sales through the Natural Gas Transmission or Pipeline Company designated for the District of Columbia by the Federal Energy Regulatory Commission.

Default Service: Customer receives natural gas supply from the Company. Default Service is available to customers who contract for natural gas with a Natural Gas Supplier, but who fail to receive delivery of natural gas under such contracts and to customers who do not choose a Natural Gas Supplier.

Disconnection: Physical disconnection of a natural gas service by the Company. This is distinguished from termination of a contract by a Natural Gas Supplier.

Enrollment: The process in which the Company receives and processes the notification from the Natural Gas Supplier that a customer has entered into a contract for the supply of natural gas with that Natural Gas Supplier.

Firm Delivery Service Gas Supplier Agreement-Rate Schedule No. 5 Tariff:

The document that sets forth the basic requirements for interaction and coordination between the Natural Gas Company and each Natural Gas Supplier necessary for ensuring the delivery of competitive natural gas supply from Natural Gas Suppliers to their customers via the Company's delivery system.

Initiating Service in the District: The earliest calendar date on which a licensed Natural Gas Supplier is contractually obligated to provide natural gas service to any District of Columbia Customer or Consumer.

Integrity Bond: A bond that is required of a Natural Gas Supplier who cannot provide credible evidence that it meets the standards listed in Subsection 4705.2 of this chapter.

Licensee: A Natural Gas Supplier who has been granted a valid Natural Gas Supplier License by the Commission.

Marketer: A person who purchases and takes title to gas as an intermediary for sale to customers.

Market participant: Any Natural Gas Supplier (including an affiliate of the natural gas company) or any person providing billing services or services declared by the Commission to be potentially competitive services, notwithstanding whether or not the supplier or person has been licensed by the Commission.

Natural Gas Company (or Company): Every corporation, company, association, joint-stock company or association, partnership, or Person doing business in the District of Columbia, their lessees, trustees, or receivers appointed by any court whatsoever, physically transmitting or distributing natural gas in the District of Columbia to retail natural gas customers. The term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies natural gas and other natural gas related services solely to the occupants of the building for use by the occupants. The term also excludes a Person or entity that does not sell or distribute natural gas.

Natural Gas Supplier: A licensed person, broker, or marketer, who generates natural gas; sells natural gas; or purchases, brokers, arranges or markets natural gas for sale to customers.

Natural Gas Supplier License: The authority granted by the Commission to a Person to do business as a Natural Gas Supplier in the District of Columbia.

Nontraditional Marketers: A community-based organization, civic, fraternal or business association that works with a licensed Natural Gas Supplier as agent to market natural gas to its members or constituents. A Nontraditional Marketer: (a) conducts its transactions through a licensed Natural Gas Supplier; (b) does not collect revenue directly from retail customers; (c) does not require its members or constituents to obtain its natural gas through the Nontraditional Marketer or a specific licensed Natural Gas Supplier; and (d) is not responsible for the payment of the costs of the natural gas to its suppliers or producers.

OPC: The Office of the People's Counsel of the District of Columbia.

Person: Any individual, corporation, company, association, joint stock company, association, firm, partnership, or other entity.

Prepayments: All payments other than a Deposit made by a residential consumer to a Natural Gas Supplier for services that have not been rendered at the time of payment.

Regulatory Contact: The staff contact for the licensed Natural Gas Supplier that handles regulatory matters for that company or entity.

Residential Customer: Any customer served under the Natural Gas Company subject to any revisions made to those tariff sheets and ordered by the District of Columbia Public Service Commission.

Slamming: The unauthorized switching of a customer's Natural Gas Supplier account.

Solicitation: A communication in any medium that includes an opportunity to contract for receipt of natural gas from a Natural Gas Supplier.

Termination of Contract: Cessation of the contract for the supply of natural gas between a Natural Gas Supplier and the customer. Upon termination of the contract with the Natural Gas Supplier, the customer will receive their natural gas supply under Sales Service as provided by the Company, or from another Natural Gas Supplier.

Transfer Application: The formal submission by a licensed Natural Gas Supplier to the Commission to transfer its Natural Gas Supplier License to another licensed Natural Gas Supplier in the District.

“Utility Consumer Bill of Rights”: Refers to the Public Service Commission’s *Consumer Bill of Rights*, adopted as regulations by the Commission in the District of Columbia Municipal Regulations Title 15, Chapter 3.

2. All persons interested in commenting on the subject matter of this NOPR and Attachments may submit written comments and reply comments no later than thirty (30) and forty-five (45) days, respectively, after the publication of this Notice in the *D.C. Register*. Comments may be filed with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission’s website at www.dcpssc.org. Persons with questions concerning this Notice should call 202-626-5150.

ATTACHMENT A**APPLICATION FOR LICENSE TO SUPPLY NATURAL GAS
OR NATURAL GAS SUPPLY SERVICES TO
TO THE PUBLIC IN THE
DISTRICT OF COLUMBIA**

You may use the attached form to submit your application. (Please remove this instruction sheet prior to filing.) If you need more space than is provided on this form, then you can create an attachment to this application. You may also attach exhibits. All attachments/exhibits must be labeled or tabbed to identify the application item to which they respond. You are also required to file an electronic version of this document (excluding “confidential” information) which must be converted to the Portable Document Format (“PDF”) before filing.

To file an application with the District of Columbia Public Service Commission (“Commission”), file a signed and verified original and an electronic version of your application and attachments, and a nonrefundable license fee of four hundred dollars (\$400.00) (payable to “D.C. Public Service Commission”) with the Commission Secretary in Washington, D.C.:

**Commission Secretary
Public Service Commission of the District of Columbia
1325 G Street, N.W., Suite 800
Washington, D.C. 20005**

Questions pertaining to the completion of this application may be directed to the Commission at the above address or you may call the Commission at the following number: (202) 626-5100. You may reach the Commission electronically at www.websupport@psc.dc.gov

If your answer to any of the Application questions changes during the pendency of your Application, or if the information relative to any item herein changes while you are operating within the District of Columbia, you are under a duty to so inform the Commission immediately. After an Application has been approved a Licensee must inform the Commission of changes to all parts of the Application and the averment regarding any civil, criminal or regulatory penalties, etc. imposed on Applicant, *et al.* must be updated. A Licensee must inform the Commission of changes to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily within twenty-four (24) hours of the institution of such proceedings. Also, a Licensee/Natural Gas Supplier must provide annual updates of all items that have changed in the Application. The annual update should be provided to the Commission within one hundred twenty (120) days after the anniversary of the grant of the license. A Licensee/Natural Gas Supplier also is required to officially notify the Commission if it plans to cease doing business in the District of Columbia sixty (60) days prior to ceasing operations.

Confidentiality: Sections 4d and 14 of this Application related to ownership of the Applicant (to the extent such information is not already public) and financial information, respectively, will be treated as confidential information by the Commission to the extent permitted by law if the Applicant requests such treatment by stamping or marking the materials in question as "CONFIDENTIAL." Any interested person may request, however, release of this information by filing such a request with the Commission. If such a request is made, Applicant shall have the burden of proving the confidential nature of the information. The Commission will notify the Applicant of any request for release of this information, and will permit the Applicant the opportunity to respond to the request through written motion filed with the Commission prior to the Commission's determination on the request.

If you are applying to provide service as an Aggregator or as a Broker (as defined in Commission regulations), who does not take title to natural gas as a part of providing that service, you do not need to fill out certain questions in this Application. The exempted questions are marked.

Applicable law: The provisions set forth in this application related to the licensing of Natural Gas Suppliers and the provision of natural gas supply and natural gas supply services are addressed in detail in the "Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004," and in Commission orders and regulations.

Statements made in this Application are made under penalty of perjury (D.C. Official Code Section 22-2402), false swearing (D.C. Official Code Section 22-2404), and false statements (D.C. Official Code Section 22-2405). Perjury is punishable by a fine of up to five thousand dollars (\$5,000) or imprisonment for up to ten (10) years, or both. False statements are punishable by a fine not more than one thousand dollars (\$1,000) or imprisonment for not more than one hundred eighty (180) days, or both. Further amendments to these Code sections shall apply. If the Commission has reliable information that an Applicant has violated any or all of these sections of the Code, the Commission will forward the information to the appropriate law enforcement agency. Statements made in this Application are also subject to Commission regulations, which require the Applicant to certify the truthfulness of the contents of this Application. Any Applicant in violation of these regulations is subject to the penalties found in the "Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004," Section 34-1671.11.

BEFORE THE DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

Application Docket No. _____

Application of _____, d/b/a (“doing business as”)

_____ for approval to offer, render, furnish, or supply natural gas services as a(n) _____, [specified in item 10 below] to the public in the District of Columbia

To the District of Columbia Public Service Commission:

BUSINESS INFORMATION

1. IDENTITY OF THE APPLICANT:

a. Legal Name _____

Current Mailing Address: _____

Street Address (if different): _____

Telephone Number: _____

Website URL: _____

Other States, including District of Columbia, in which the Applicant is now or has been engaged in the retail sale of electricity or natural gas and the names under which the Applicant is engaged or has been engaged in such business(es) Applicant may limit response to the last five (5) years:

Name: _____

Business Address: _____

License # State of Issuance: _____

Other states in which the Applicant has applied to provide retail electric or natural gas service but has been rejected. Applicant may limit response to the last three (3) years:

State(s): _____

Date of Application: _____

Attach additional sheets to the application if necessary.

b. Trade name (If Applicant will not be using a trade name, skip to question no. 2.a.):

Trade Name: _____

c. The District of Columbia and other states, in which the Applicant has provided retail electric or natural gas service under the current Applicant name or in a different name but has voluntarily or involuntarily surrendered its license. Describe reasons for license surrender. With regard to a voluntary or involuntary license surrender in the District of Columbia only, state whether any previously outstanding assessments and/or penalties imposed by the Commission and the Office of the People’s Counsel have been paid. If any previous assessments and/or penalties are unpaid, provide a date certain when those assessments and/or penalties will be paid. Applicant may limit response to the last five (5) years:

State(s): _____

Date of License Surrender and Reasons for License Surrender:

In the District of Columbia, Amount of Paid Assessments and Unpaid Assessments/Penalties Following License Surrender and to Whom Owed (If Applicable)

Attach additional sheets to the application if necessary.

2.

a. CONTACT PERSON-REGULATORY CONTACT:

Name and Title: _____

Address: _____

Telephone: () _____

Fax: () _____

E-mail _____

b. CONTACT PERSON-CUSTOMER SERVICE and CONSUMER COMPLAINTS (not required for Aggregators who do not take title and/or Brokers):

Name and Title: _____

Address: _____

Telephone: () _____

Fax: () _____

e-mail _____

3. RESIDENT AGENT:

Name and Title: _____

Address: _____

Telephone: () _____

Fax: () _____

E-mail _____

4. PRIMARY COMPANY OFFICIALS

President/General Partners:

Name(s) _____

Business Address: _____

CEO/Managing Partner:
 Name _____

Business Address: _____

Secretary Name: _____

Business Address: _____

Treasurer Name: _____

Business Address: _____

a. APPLICANT'S BUSINESS FORM: (select and complete appropriate statement)

- Proprietorship
- Corporation
- Partnership
- Limited Partnership
- Limited Liability Company
- Limited Liability Partnership
- Other: _____

b. **STATE OF FORMATION:** Applicant’s business is formed under the laws of the State of _____

c. **STATUS:** Provide a certificate issued by the state of formation certifying that the Applicant is in good standing and qualified to do business in the state of formation.

If formed under the laws of other than the District of Columbia, provide a certificate issued by the District of Columbia Department of Consumer and Regulatory Affairs (DCRA) certifying that the applicant is registered or qualified, to do business in the District of Columbia and is currently in good standing with DCRA and with the District Department of Finance and Revenue.

d. **OWNERSHIP:** Provide on a separate sheet the names and addresses of all persons and entities that directly or indirectly own ten percent (10%) or more of the ownership interests in the Applicant, or have the right to vote ten percent (10%) or more in the Applicant’s voting securities, or who otherwise have the power to control ten percent (10%) or more of the Applicant.

5. **AFFILIATES, OR PRECEDECESSOR(S), ENGAGED IN THE SALE OR TRANSPORTATION/TRANSMISSION OF ELECTRICITY OR NATURAL GAS AT WHOLESALE OR RETAIL OR THE PROVISION OF RETAIL TELEPHONE OR CABLE SERVICES TO THE PUBLIC:** (select and complete appropriate statement) (Applicant may limit responses to the last five (5) years)

The Applicant has no such Affiliate(s) or Predecessors(s)

Applicant is an Affiliate of a regulated utility in Pennsylvania, Virginia, Delaware, New Jersey or Maryland. Please provide regulated utility’s Name and the jurisdictions in which it operates:

Affiliate(s), or Predecessor(s), other than a regulated utility in Pennsylvania, Virginia, Delaware, New Jersey or Maryland that provides, or provided, sale or transportation/transmission of electricity or natural gas at wholesale or retail to the public:

Name: _____

Business Address: _____

License #, State of Issuance:_____

Location of Operations (Utility Service Territory):_____

Name:_____

Business Address:_____

License #, State of Issuance:_____

Location of Operations (Utility Service Territory):_____

Attach additional sheets to the application if necessary.

6. ACTIONS AGAINST LICENSEES: Provide the following information for the Applicant, any Predecessor(s), and any unregulated Affiliate that engages in or engaged in the sale or transportation/transmission of electricity or natural gas at wholesale or retail or the provision of retail telephone or cable services to the public. (Applicant may limit responses to the last five (5) years).

- Identify all actions against the Licensee, Predecessor or any regulated or unregulated affiliate(s) such as Suspensions/Revocations/Limitations/Reprimands/Fines and describe the action in an attached statement, including docket numbers, offense dates, and case numbers, if applicable. Formal Investigations (defined as those investigations formally instituted in a public forum by way of the filing of a complaint, show cause order, or similar pleading) instituted by any regulatory agency or law enforcement agency relating to the Applicant, Predecessor(s), or unregulated affiliate(s) if, as a result of the investigation, Applicant's/Predecessor's/or affiliate's license to provide service to the public was in jeopardy are also listed. The license number, state of issuance, and name of license are identified below:

State(s):_____

Name(s):_____

License Number(s) (or other applicable identification):

- No such action has been taken.

7. RELIABILITY AND ENVIRONMENTAL OFFICIAL ACTIONS AGAINST APPLICANTS/AFFILIATES: Provide the following information for Official Actions that have been taken against the Applicant, any Predecessor(s), and any unregulated Affiliate (if available to the Applicant) that engages in the retail or wholesale sale of natural gas for matters relating to environmental or reliability status for the past five years.

- Official Actions such as Suspensions/Revocations/Limitations/Reprimands/Fines/Regulatory Investigations (state agencies, FERG, EPA, or other federal agencies) have been taken against the Applicant, any Predecessor(s) or unregulated affiliate(s), and are described in the attached statement, including docket numbers, offense dates, and case numbers, if applicable.

State(s): _____

Name(s): _____

- No such action has been taken

OPERATIONAL CAPABILITY

TECHNICAL FITNESS

8. Provide sufficient information to demonstrate technical fitness to provide the service proposed in this Application. Examples of such information which may be submitted include the following:

- A general description of Applicant’s retail natural gas supply activities in District of Columbia, if any, including other service territories in which Applicant has provided service and the time period.
- A copy of each agreement (if applicable) entered into with District of Columbia natural gas distribution companies.
- Biographies, including titles, of relevant experienced personnel in key technical positions.
- Other.

9. SOURCE OF SUPPLY: (Check all that apply) This is for informational purposes only. No update required.

- Not applicable. Applicant will not be supplying retail natural gas.
- Applicant owns natural gas supply.
- Applicant contracts for natural gas.
- Applicant obtains natural gas on the spot market
- Other. Applicant must attach s statement detailing its source of natural gas supply.
- Aggregator or Broker only

SCOPE OF OPERATIONS

(Check all that apply)

10. APPLICANT’S PROPOSED OPERATIONS: The Applicant proposes to operate as a:

- Natural Gas Supplier/Marketer of natural gas.
- Aggregator acting on behalf of customers to purchase natural gas and does not take title to natural gas.
- Broker acting as an agent or intermediary on behalf of customers in the sale and purchase of natural gas and who does not take title to natural gas.

Which natural gas supply related service(s) does the Applicant offer?

- Billing
- Other (Please specify the nature of such other services in an attached statement.)

Does Applicant intend to offer competitive billing services?: _____

Is the Applicant proposing to offer any other services? _____

If so, please provide information regarding the proposed service in an attached statement.

11. AREA OF OPERATION: If the Applicant does not intend to offer services throughout the Washington Gas Light Company territory in the District of Columbia, Applicant must, in an attached statement, describe in detail the area within the Natural Gas Company’s service territory in which Applicant’s services will be offered.

- Applicant intends to offer service throughout the Washington Gas Light Company territory in the District of Columbia.
- Applicant intends to offer services in only a portion of Washington Gas Light Company’s service territory in the District of Columbia. Please see attached statement.

12. CUSTOMERS: Applicant proposes to initially provide services to (check all that apply):

- Residential Customers
- Commercial Customers
- Industrial Customers
- Other (Describe in attachment)

Also, Applicant proposes:

- Restrictions upon the number of end use customers (Describe in attachment)
- No restrictions on the number of end use customers.
- Restrictions upon the size of end use customers (Describe in attachment).
- No restrictions regarding the size of the end use customers (Describe in attachment).
- Other restrictions regarding customers (Describe in attachment).

13. START DATE: The Applicant proposes to begin delivering services:

- Upon approval of the Application and receipt of License.
- Other approximate date of commencement.

FINANCIAL INTEGRITY

14. REQUIRED DOCUMENTATION OF FINANCIAL INTEGRITY:

Check that the documents listed below are attached to the Application.

The Applicant shall provide the most recent versions of the following documents to the extent they are available:

- Credit reports or ratings prepared by established credit bureaus or agencies regarding the Applicant's payment and credit history.
- Balance sheets, income statements and statements of cash flow for the two (2) most recent 12 month periods for which information is available. Audited financial statements must be provided if they exist. In addition, the Applicant shall provide any financial statements subsequent to the most recent annual financial statements.

- In the event that a parent or other company, person or entity has undertaken to guarantee the financial integrity of the Applicant, the Applicant must submit such entity's balance sheet, income statement and statement of cash flow, together with documentation of such guarantee to insure the financial integrity of the Applicant. Audited financial statements must be provided if they exist. In addition, the Applicant shall provide any available quarterly financial statements subsequent to the most recent annual financial statements.
- If the Applicant, parent, or guarantor entity has not been in existence for at least two-12 month periods, it must provide balance sheets, income statements and statements of cash flow for the life of the business. Audited financial statements must be provided if they exist.
- Organizational structure of Applicant. Include Applicant's parent, affiliate(s), and subsidiary(ies) if any .
- Evidence of general liability insurance.
- If the Applicant has engaged in the retail supply of natural gas services in any other jurisdiction, evidence that the Applicant is a licensed supplier in good standing in those jurisdictions.
- A current long-term bond rating, or other senior debt rating.
- Any other evidence of financial integrity such as an unused line of bank credit or parent guarantees.

15. BONDING REQUIREMENTS (Note: Underlining below is provided to highlight differences between Integrity Bond and Customer Payments Bond requirements.)

Integrity Bond

An Applicant who cannot provide credible evidence that it meets the financial integrity standards listed in Section 4705 of Chapter 47 of Title 15 DCMR must submit a bond on the form attached to this Application ("Integrity Bond"). The Applicant, if licensed by the Commission as a natural gas supplier, may be required to update/revise this initial Integrity Bond, by revising the initial Integrity Bond or posting an additional Integrity Bond, as set forth in Section 4706.

However, an Applicant who can provide credible evidence that it meets the financial integrity standards listed in Section 4705 will not be required to submit an Integrity Bond. (The Applicant may still be required to submit a separate Customer Payments Bond, as discussed below.)

Customer Payments Bond

A separate bond on the appropriate form attached to this Application is mandatory if an Applicant requires prepayments and/or deposits from residential or small commercial customers (“Customer Payments Bond”). Please check one of the boxes below to state whether you, the Applicant, intend to charge, collect, or hold prepayments and/or deposits, as such terms are defined in the Bonding Requirements Addendum attached to this Application:

- Applicant will not accept prepayments or deposits from residential and small commercial customers.
- Applicant intends to accept prepayments or deposits and/or deposits from residential and small commercial customers. Applicant must comply with Bonding Requirements Addendum governing the Customer Payment Bond.

Further details regarding the District of Columbia’s bonding requirements are included in Sections 4704 and 4705 of Chapter 47 of Title 15 DCMR.

- 16. NOTICE OF REQUIRED COMPLIANCE:** The Applicant is hereby notified that it is required to comply with the following:
- a.** The Applicant may be required to submit bond(s), as applicable as described in Section 15 herein.
 - b.** The Applicant must update this application with the Commission immediately if any of the information provided in this Application changes or an error or inaccuracy is noted during the pendency of the Application. After an Application has been approved, a Licensee must inform the Commission of changes to all parts of the application and the averment regarding any civil, criminal, or regulatory penalties, etc. imposed on applicant, *et al.* within thirty days of the change or an error or inaccuracy is noted. A Licensee must inform the Commission of changes to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily within twenty-four (24) hours of the institution of such proceedings.
 - c.** If the Applicant receives a License from the Commission, Licensee/Supplier must provide annual updates of all items that have changed in the application. The annual update must be provided to the Commission within one hundred twenty (120) days after the anniversary of the grant of the License.
 - d.** Supplement this application in the event the Commission modifies the licensing requirements, or request further information.

- e. Agree that it will not present itself as a licensed retail supplier of natural gas in the District of Columbia, sell or market services, accept deposits, prepayments, or contract with any end-use customers without a license from the Commission.
 - f. Pay all fees imposed by the Commission and any applicable taxes.
 - g. Ensure that a copy of each service agreement entered into with Washington Gas Light Company is provided to the Commission.
 - h. Agree to not transfer its license to sell natural gas and natural gas supply services without the prior approval of the District of Columbia Public Service Commission.
 - i. Attend a Natural Gas Suppliers Education Workshop sponsored by the Commission.
 - j. If certified, submit a Privacy Protection Policy that complies with 15 DCMR §§ 308 (Use of Customer Information) and 309 (Privacy Protection Policy) within ninety (90) days of the adoption of Chapter 47 of Title 15 DCMR or within sixty (60) days of receiving its Natural Gas Supplier license, whichever date is later. The Privacy Protection Policy must protect against the unauthorized disclosure or use of customer information about a Customer or a Customer's use of service.
 - k. Abide by 15 DCMR § 308 and not disclose information about a Customer or the Customer's use of natural gas or natural gas services without the Customer's written consent.
 - l. Agrees to comply with 15 DCMR § 4702.15 Natural Gas Company and Licensee Responsibilities in the event of a default after certification, and with the District of Columbia Natural Gas Supplier Coordination Tariff.
17. **AFFIDAVITS REQUIRED.** The Applicant must supply Affidavits of Tax Compliance and General Compliance to the Commission with the completed Application. The affidavits are included with this Application packet and must be executed by the Applicant or representative with authority to bind the Applicant in compliance with District of Columbia laws.
18. **FURTHER DEVELOPMENTS:** Applicant is under a continuing obligation to amend its application if substantial changes occur in the information upon which the Commission relied in approving the original filing.
19. **FEE:** The Applicant has enclosed the required fee of \$400.00.

Applicant: _____

By: _____

Printed Name: _____

Title: _____

AFFIDAVIT TAX COMPLIANCE

State of _____ :
County of _____ : ss

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

That he/she is the _____(office of Affiant) of _____(Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant:

That _____, the Applicant herein, certifies to the Public Service Commission of the District of Columbia (“Commission”) that it is subject to, will pay, and in the past has paid, the full amount of taxes imposed by applicable statutes and ordinances, as may be amended from time to time. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of the District of Columbia, shall be cause for the Commission to revoke the license of the Applicant. The Applicant acknowledges that it shall provide to the Commission its jurisdictional Gross Receipts and revenues from retail sales in the District, for the previous year or as otherwise required by the Commission.

As provided by applicable Law, Applicant, by filing of this application waives confidentiality with respect to its tax information in the possession of the (appropriate taxing authority), regardless of the source of the information, and shall consent to the (appropriate taxing authority) providing that information to the Commission. The Commission shall retain such information confidentially. This does not constitute a waiver of the confidentiality of such information with respect to any party other than the Commission.

That the facts above set forth are true and correct to the best of his/her present knowledge, information, and belief after due inquiry and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this ____ day of _____,_____.

Signature of official administering oath

My commission expires _____.

AFFIDAVIT OF GENERAL COMPLIANCE

State of _____ :
_____ : ss
County of _____ :

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

He/she is the _____(Officer/Affiant) of _____(Name of Applicant).

That he/she is authorized to and does make this affidavit for said Applicant.

That the Applicant herein certifies to the Public Service Commission of the District of Columbia (“Commission”) that:

The Applicant agrees to comply with the terms and conditions of Washington Gas Light Company’s tariff and agreements.

The Applicant is in compliance with and agrees to comply with all applicable Federal and District of Columbia consumer protection and environmental laws and regulations, and Commissions regulations, fees, assessments, order and requirements.

If certified, the Applicant agrees to submit a Privacy Protection Policy that complies with 15 DCMR §§ 308 (Use of Customer Information) and 309 (Privacy Protection Policy) within ninety (90) days of the adoption of Chapter 47 of Title 15 DCMR or within sixty (60) days of receiving its Natural Gas Supplier license, whichever date is later. The Privacy Protection Policy must protect against the unauthorized disclosure or use of customer information about a Customer or a Customer’s use of service.

The Applicant also agrees to abide by 15 DCMR § 308 and not Disclose information about a Customer or a Customer’s use of service without the Customer’s written consent.

Applicant agrees, upon request by the Commission, to provide copies to the Commission, of its consumer forms and/or contracts, its marketing or advertising materials (flyers and solicitation scripts), consumer pamphlets and its consumer education materials.

Applicant agrees to abide by any periodic reporting requirements set by the Commission by regulation, including any required periodic reporting to the (appropriate taxing authority).

Applicant agrees to provide proposed notice of the filing of its Application to the Commission so that it may forward the notice to the District of Columbia Register for publication.

The Applicant has obtained all the licenses and permits required to operate the proposed business in the District of Columbia.

The Applicant agrees to abide by any periodic reporting requirements set by the Commission by regulation, including any required periodic reporting to the (appropriate taxing authority).

The Applicant agrees that it shall neither disclose nor resell individual residential customer data provided to the Applicant by Washington Gas Light Company. Disclosure or resale of individual non-residential customer data provided to the Applicant by a District of Columbia natural gas company will be governed by customer contract.

The Applicant agrees, if the Commission approves its Application, to post an appropriate bond or other form of financial guarantee as required by the Commission and its regulations.

If the Applicant is certified, but later defaults, the licensee/Supplier agrees to comply with 15 DCMR § 4702.15, Natural Gas Company and Licensee Responsibilities in the event of a default, and with the District of Columbia Natural Gas Supplier Coordination Tariff.

The Applicant, including any of its Predecessor(s) and/or affiliate that engages in or engaged in the sale or transportation/transmission of electricity or natural gas at wholesale or retail or the provision of retail telephone or cable services to the public, the general partners, company officials corporate officers or directors, or limited liability company managers or officers of the Applicant, its predecessor(s) or its affiliates:

1. Has had no civil, criminal or regulatory sanctions or Penalties imposed against it within the previous five (5) years pursuant to any state or federal consumer protection law or regulations, has not been convicted of any fraud-related crime (including, but not limited to, counterfeiting and forgery, embezzlement and theft, fraud and false statements, perjury, and securities fraud) within the last five (5) years; and has not ever been convicted of a felony; or alternatively.
2. Has disclosed by attachment all such sanctions, penalties or convictions.

The Applicant further certifies that it:

1. Is not under involuntary bankruptcy/insolvency proceedings including but not limited to, the appointment of a receiver, liquidator, or trustee of the supplier, or a decree by such court adjudging the supplier bankrupt or insolvent or sequestering

any substantial part of its property or a petition to declare bankruptcy as to reorganize the supplier; and

- 2. Has not filed a voluntary petition in bankruptcy under any provision of any Federal or state bankruptcy law, or its consent to the filing of any bankruptcy or reorganization petition against it under any similar law; or without limiting the generality of the foregoing, a supplier admits in writing its inability to pay its debt generally as they become due to consents to the appointment of a receiver, trustee or liquidator of it or of all or any part of its property.

That Applicant possesses the requisite managerial and financial fitness to provide service at retail in the District of Columbia.

That the facts above set forth are true and correct to the best of his/her present knowledge, information, and belief after due inquiry and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this ____ day of _____, _____.

Signature of official administering oath

My commission expires _____.

VERIFICATION

State of _____ :
 : SS
County of _____ :

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

He/she is the _____ (Officer/Affiant) of _____
(Name of Applicant);

That he/she is authorized to and does make this affidavit for said corporation;

The Applicant understands that the making of a false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to all applicable sections of the District of Columbia Code as may be amended from time to time relating to perjury and falsification in official matters.

That the Applicant will supplement this Application in the event the Public Service Commission of the District of Columbia (“Commission”) modifies the licensing requirements, or requests further information.

That the Applicant agrees that it will not present itself as a licensed retail supplier of natural gas in the District of Columbia, sell or market natural gas, accept deposits, prepayments, or contract with any end-use customers without a license from the Commission.

That the Applicant agrees that a license issued pursuant to this Application may not be transferred without prior approval by the Commission.

That the Applicant agrees to update information contained in this Application in accordance with the schedule set forth in the Application.

That the facts above set forth are true and correct to the best of his/her present knowledge, information, and belief after due inquiry and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____ day of _____, 20__.

Signature of official administering oath

My commission expires _____.

**APPLICANT'S GENERAL AUTHORIZATION FOR VERIFICATION OF
FINANCIAL INFORMATION, ETC.**

TO WHOM IT MAY CONCERN:

I/We have applied to the District of Columbia Public Service Commission (the "Commission") for a license to be a Natural Gas Supplier, or to provide certain Natural Gas Supply related services, and authorize you to release to the Staff of the Commission and its authorized representatives and agents any information or copies of records requested concerning:

MY COMPANY OR BUSINESS AND ITS HISTORY,
PERFORMANCE, OPERATIONS, CUSTOMER RELATIONS,
FINANCIAL CONDITION, INCLUDING BANK ACCOUNT
TRANSACTIONS AND BALANCES, PAYMENT HISTORY
WITH SUPPLIERS AND OTHER CREDITORS,
VERIFICATION OF NET WORTH AND OTHER
INFORMATION AND RECORDS WHICH THE COMMISSION
REQUIRES TO VERIFY OR MAKE INQUIRY CONCERNING
MY/OUR FINANCIAL INTEGRITY AND THE
INFORMATION CONTAINED IN MY/OUR LICENSE
APPLICATION OR OTHER INFORMATION PROVIDED BY
ME/US TO THE COMMISSION OR, STAFF OF THE
COMMISSION OR ITS REPRESENTATIVES OR AGENTS.

This Authorization is continuing in nature and includes release of information following issuance of a license, for reverification, quality assurance, internal review, etc. The information is for the confidential use of the Commission and the Staff of the Commission in determining my/our financial integrity for being a licensee or to confirm information I/We have supplied and may not be released by order of the Commission or by order of a court of competent jurisdiction.

A photographic or fax copy of this authorization may be deemed to be the equivalent of the original and may be used as a duplicate original. The original signed form is maintained by the Staff of the Commission.

APPLICANT'S AUTHORIZATION TO RELEASE INFORMATION:

APPLICANT (please print)

APPLICANT'S SIGNATURE

DATE

TITLE

PREPAYMENT AND DEPOSIT BONDING REQUIREMENTS ADDENDUM**1. DEFINITION AND EXCLUSION**

- a. Any natural gas supplier or aggregator or broker who charges or collects deposits or prepayments shall maintain a bond in an amount at least equal to the total amount of such deposits and prepayments as specified in this section. Prepayments and/or deposits from non-residential customers whose metered use during any month of the previous twelve month period was in excess of 625 dekatherms per month are exempt from the calculation of the bond requirement. For new non-residential customers, the exemption will apply if the sales to that customer are expected to be in excess of 625 dekatherms per month.
- b. “Deposits” include all payments made by a consumer to a natural gas supplier to secure the natural gas supplier against the consumer’s nonpayment or default.
- c. “Prepayments” include all payments made by a consumer to a natural gas supplier for services that have not been rendered at the time of payment.
 1. Where a natural gas supplier charges for services based on a quantity of natural gas, such as a price per therm, then prepayments include any payments for any quantity that has not been delivered to the consumer at the time of payment.
 2. Where a natural gas supplier charges for services based on a period of time, such as charging a membership fee, initiation fee or other fee for services for a time period, then prepayments include the amount of the total charges collected by the natural gas supplier for the period of time less the prorated value of the period of time for which services have been rendered.
 3. Where a natural gas supplier charges for services based on a measure other than quantity of natural gas delivered or a period of time, the PSC shall determine, on a case by case basis, whether the charges involve a prepayment and the appropriate method of calculating the required bond.
 4. Prepayments do not include any funds received in advance of the services being rendered as a result of the consumer’s voluntary participation in a budget billing or level billing plan by which the

consumer's anticipated natural gas costs are averaged over a period of time.

2. WHO MUST POST BOND

Any natural gas supplier or aggregator or broker who charges or collects deposits or prepayments shall maintain a bond in an amount at least equal to the total amount of such deposits and prepayments as specified in this section. Prepayments and/or deposits from non-residential customers whose metered use during any month of the previous twelve month period was in excess of 625 dekatherms per month are exempt from the calculation of the bond requirement. For new non-residential customers, the exemption will apply if the sales to that customer are expected to be in excess of 625 dth per month.

3. PROCEDURE FOR DETERMINING AMOUNT OF BOND

- a. **INITIAL BOND:** Before accepting any deposits or prepayments, or for active suppliers prior to who have deposits or prepayments from current customers, a natural gas supplier must (1) notify the PSC on its license Application, within thirty (30) days of the change for an existing license holder, or by separate communication that it intends to begin charging deposits or prepayments, and (2) post an initial bond of fifty thousand dollars (\$50,000). If a bond is required of an aggregator or broker the amount shall be ten thousand dollars (\$10,000).
- b. **SIX MONTH CERTIFICATION:** Within six months after the initial bond is posted, (1) the natural gas supplier shall provide to the PSC, an audited certification conducted by either an independent certified accountant ("CPA") or the PSC Accounting Division (see below) of the amount of the deposits and prepayments and (2) a bond in the amount certified by either an independent CPA or by the PSC Accounting Division.
- c. **ANNUAL CERTIFICATION:** Annually thereafter, coinciding with the annual update requirements of the PSC license application, the natural gas supplier shall provide to the PSC (1) a statement of the amount of the deposits and prepayments conducted by either an independent CPA or the PSC Accounting Division and (2) a bond in that amount.
- d. **QUARTERLY UPDATES:** Following submittal of the first annual update, the natural gas supplier must provide to the PSC (1) a quarterly management report stating the amount of deposits and prepayments collected and (2) an adjustment to the bond in that amount.

4. **CPA/PSC ACCOUNTING DIVISION AUDIT REPORT.** The natural gas supplier shall provide appropriate certification at the intervals discussed in the above paragraphs, on funds collected by a Supplier for prepayments or deposits. The Supplier will have the option of certifying funds through an audit conducted by independent certified public accountant or by the PSC Accounting Division. The audit will verify collections and balances of prepayments and deposits as of a specific date and whether the Supplier has appropriate bond coverage.
5. **BOND FORM: BENEFICIARY, CLAIMS, DISTRIBUTION.** The natural gas supplier shall provide a bond on the form required by the PSC.
6. **COMPLIANCE INVESTIGATIONS.** The PSC has the right to initiate appropriate investigations if it determines a Supplier is collecting prepayments and/or deposits from customers without appropriate bond coverage. The PSC will utilize appropriate legal remedies both to investigate and/or enforce actions necessary to ensure suppliers have appropriate bonds.

ATTACHMENT B

FORM OF CUSTOMER PAYMENTS BOND

SURETY BOND

Bond No. _____

We,

(Name of supplier)

(Address of supplier)

as principal, and

(Surety Company)

(Address of surety)

as surety authorized to do business in the District of Columbia, are held and firmly bound to the Public Service Commission of the District of Columbia, as obligee for the use and benefit of all persons establishing legal rights hereunder, in the sum of FIFTY THOUSAND AND NO/100 (\$50,000) lawful money of the United States of America, to the payments of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly, severally, and firmly by this document.

WHEREAS, the Principal has applied to the Public Service Commission of the District of Columbia for a license to provide natural gas service to retail customers in the District of Columbia, and

WHEREAS, pursuant to the Retail Natural Gas Licensing and Consumer Protection Act of 2004, the Public Service Commission of the District of Columbia is authorized to require the Principal to maintain a bond in order to provide retail natural gas service.

NOW, THEREFORE, if the Principal shall faithfully and truly fulfill all of its service or product contracts and other contractual commitments to deliver retail natural gas services, and not file for bankruptcy or for similar protection under law, then this obligation shall be void, otherwise to remain in full force and effect as security for the use of the Public Service Commission of the District of Columbia or of any person or entity, who after entering into a service or product contract or third party supplier agreement for service in the District of Columbia with the above

named Principal is damaged or suffers any loss of a deposit or prepayment (as such terms are defined in) (Sections 4704 and 4705 of Chapter 47 of Title 15 DCMR) by reason of failure of service or by other breach or bankruptcy by this Principal.

The aggregate liability of the Surety is limited to the foregoing sum which sum shall be reduced by any payment made in good faith hereunder.

The term of this bond is for the period beginning _____ and terminating _____, and may continue for an annual period by a Continuation Certificate signed by the Principal and Surety, a copy of which must be served by registered mail upon the Secretary of the Public Service Commission of the District of Columbia.

In order to draw funds on this Bond, the Secretary of the Public Service Commission of the District of Columbia shall present the following document to the Surety, and attach thereto documentation in support thereof:

Affidavit sworn to and signed by the Secretary of the Public Service Commission of the District of Columbia, stating that at the public hearing on _____, the Public Service Commission of the District of Columbia determined that _____ has not satisfactorily performed its obligations to a person or entity, who has suffered actual and direct damages or loss of a deposit or prepayment (as such terms defined in Sections 4704 and 4705 of Chapter 47 of Title 15 DCMR) in a specific amount by means of failure, or by reason of breach of contract or violation of the Retail Natural Gas Licensing and Consumer Protection Act of 2004 and/or regulations, rules or standards promulgated pursuant thereto.

SIGNED, SEALED AND DATED this _____ day of _____

Principal _____

By: _____
(Signatory)

Surety _____

Address of Surety:

By: _____
(Signatory)

Notary Seal

ATTACHMENT C

FORM OF INTEGRITY BOND
FOR NATURAL GAS SUPPLIERS AND MARKETERS

INTEGRITY BOND-SURETY BOND

Bond No. _____

We,

(Name of supplier)

(Address of supplier)

as principal, and

(Surety Company)

(Address of surety)

as surety authorized to do business in the District of Columbia, are held and firmly bound to the Public Service Commission of the District of Columbia, as obligee for the use and benefit of all persons establishing legal rights hereunder, in the sum of FIFTY THOUSAND AND 00/100 (\$50,000) lawful money of the United States of America, to the payments of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly, severally, and firmly by this document.

WHEREAS, the Principal has applied to the Public Service Commission of the District of Columbia for a license to provide natural gas service to retail customers in the District of Columbia, and

WHEREAS, pursuant to the Retail Natural Gas Licensing and Consumer Protection Act of 2004, the Public Service Commission of the District of Columbia is authorized to require the Principal to maintain a bond in order to provide retail natural gas service.

NOW, THEREFORE, if the Principal shall faithfully and truly fulfill all of its service or product contracts and other contractual commitments to deliver retail natural gas services, and not file for bankruptcy or for similar protection under law, then this obligation shall be void, otherwise to remain in full force and effect as security for the use of the Public Service Commission of the District of Columbia or of any person or entity, who after entering a service or product contract or third party supplier agreement for service in the District of Columbia with the above named Principal is actually and directly damaged or suffers any actual or direct loss by reason of failure of service or by other breach or bankruptcy by this Principal.

The aggregate liability of the Surety is limited to the foregoing sum which sum shall be reduced by any payment made in good faith hereunder.

The term of this bond is for the period beginning _____ and terminating _____, and may be continued for an annual period by a Continuation Certificate signed by the Principal and Surety, a copy of which must be served by registered mail upon the Secretary of the Public Service Commission of the District of Columbia.

In order to draw funds on this Bond, the Secretary of the Public Service Commission of the District of Columbia shall present the following document to the Surety, and attach thereto documentation in support thereof:

Affidavit sworn to and signed by the Secretary of the Public Service Commission of the District of Columbia, stating that at the public hearing on, _____, the Public Service Commission of the District of Columbia determined that _____ has not satisfactorily performed its obligations to a person or entity, who has suffered actual and direct damages or loss in a specific amount by means of failure, or by reason of breach of contract or violation of the Retail Natural Gas Licensing and Consumer Protection Act of 2004 and/or regulations, rules or standards promulgated pursuant thereto.

SIGNED, SEALED AND DATED this _____ day of _____

Principal: _____

By: _____
(Signatory)

Surety: _____

Address of Surety: _____

By: _____
(Signatory)

Notary

Seal

ATTACHMENT D

**FORM OF INTEGRITY BOND
FOR AGGREGATORS AND BROKERS**

INTEGRITY BOND-SURETY BOND

Bond No. _____

We,

(Name of supplier)

(Address of supplier)

as principal, and

(Surety Company)

(Address of surety)

as surety authorized to do business in the District of Columbia, are held and firmly bound to the Public Service Commission of the District of Columbia, as obligee for the use and benefit of all persons establishing legal rights hereunder, in the sum of TEN THOUSAND 00/100 (\$10,000) lawful money of the United States of America, to the payments of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly, severally, and firmly by this document.

WHEREAS, the Principal has applied to the Public Service Commission of the District of Columbia for a license to provide natural gas service to retail customers in the District of Columbia, and

WHEREAS, pursuant to the Retail Natural Gas Licensing and Consumer Protection Act of 2004, the Public Service Commission of the District of Columbia is authorized to require the Principal to maintain a bond in order to provide retail natural gas service.

NOW, THEREFORE, if the Principal shall faithfully and truly fulfill all of its service or product contracts and other contractual commitments to deliver retail natural gas services, and not file for bankruptcy or for similar protection under law, then this obligation shall be void, otherwise to remain in full force and effect as security for the use of the Public Service Commission of the District of Columbia or of any person or entity, who after entering into a service or product contract or third party supplier agreement for service in the District of Columbia with the above named

Principal is actually and directly damaged or suffers any actual or direct loss by reason of failure of service or by other breach or bankruptcy by this Principal.

The aggregate liability of the Surety is limited to the foregoing sum which sum shall be reduced by any payment made in good faith hereunder.

The term of this bond is for the period beginning _____ and terminating _____, and may be continued for an annual period by Continuation Certificate signed by the Principal and Surety, a copy of which must be served by registered mail upon the Secretary of the Public Service Commission of the District of Columbia.

In order to draw funds on this Bond, the Secretary of the Public Service Commission of the District of Columbia shall present the following document to the Surety, and attach thereto documentation in support thereof:

Affidavit sworn to and signed by the Secretary of the Public Service Commission of the District of Columbia, stating that at the public hearing on, _____, the Public Service Commission of the District of Columbia determined that _____ has not satisfactorily performed its obligations a person or entity; who has suffered actual and direct damages or loss a specific amount by means of failure, or by reason of breach of contract or violation of the Retail Natural Gas Licensing and Consumer Protection Act of 2004 and/or regulations, rules or standards promulgated pursuant thereto.

SIGNED, SEALED AND DATED this _____ day of _____

Principal: _____

By: _____
(Signatory)

Surety: _____

Address of Surety: _____

By: _____
(Signatory)

Notary Seal

OFFICE OF TAX AND REVENUE

NOTICE OF 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 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2016 Supp.)), 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 amending Section 417.

The newly amended regulations provide updated guidance for regarding the application for and use of sales tax exemption certificates. The guidance in this regulation is necessary to provide clarity to taxpayers attempting to comply with District sales tax exemption requirements.

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 417, CERTIFICATES OF EXEMPTION, is amended as follows:

417 CERTIFICATES OF EXEMPTION

- 417.1 All sales of tangible personal property or of taxable services are presumed not to be exempt from sales and use tax. The burden of proving that a sale of tangible personal property or taxable services is not a sale at retail is upon the vendor unless the vendor timely accepts in good faith a certificate from the purchaser that the sale is exempt from tax.
- 417.2 Vendors shall exercise reasonable judgment in accepting exemption certificates in good faith and shall not be protected from paying sales tax on the items purchased with exemption certificates that are not exempt from tax if they fail to do so. Accepting an expired exemption certificate demonstrates bad faith by a vendor.
- 417.3 If the purchaser is the United States, the District of Columbia, or any instrumentality of either, the vendor shall show on the record of sale the instrumentality or agency to which the sale was made, the amount of the sale, and date of the sale.
- 417.4 If a purchaser of tangible personal property is a member of a foreign diplomatic corps and personally presents an identification card issued to that purchaser by the State Department, exempting the person from excise taxes, the card shall be authority for the vendor not to add reimbursement for the

sales tax to the sales price of the property; Provided, that the vendor shall show on the record of each sale the name of the purchaser, the date of sale, the amount of the sale, and the State Department identification card number.

- 417.5 A certificate of exemption shall be effective on the date of issuance. No person shall be issued a refund, based upon a certificate of exemption, for sales taxes paid prior to the date of issuance of the certificate of exemption.
- 417.6 Each certificate of exemption shall be maintained by the vendor and shall be authority for the vendor not to add reimbursement for the sales tax to the sales price of the property or service. A vendor shall also maintain a record of the name of the purchaser, the date of each sale, and the amount of the sale for each exempt sale.
- 417.7 A vendor has ninety (90) days from the date requested in which to deliver the certificates of exemption to the Office of Tax and Revenue. Exemptions claimed by those certificates acquired during this 90-day period shall be subject to independent verification by the Office of Tax and Revenue before the deductions shall be allowed. Certificates delivered after the 90-day period shall not be accepted.
- 417.8 Exemption certificates are nontransferable and are valid for use only by the person or entity to which the certificate has been issued.
- 417.9 **Exemption Certificate for Semipublic Institutions.**
- (a) A semipublic institution purchasing property at retail for its own maintenance and operation shall obtain from the Deputy Chief Financial Officer a certificate of exemption stating that the institution is entitled to the exemption. If the semipublic institution does not present the certificate of exemption to the vendor, the vendor shall collect the reimbursement for the tax.
 - (b) Beginning with exemption certificates issued after November 1, 2017, exemption certificates issued to semipublic institutions shall be valid only for a period of five years from the date issued.
 - (c) Exemption certificates issued to semipublic institutions prior to November 1, 2017, shall expire upon notice by the Office of Tax and Revenue. Vendors are responsible for ensuring that exemption certificates issued to semipublic institutions prior to November 1, 2017 are still valid and unexpired at the time of acceptance.
 - (d) If a vendor makes sales to a semipublic institution, the vendor shall keep a copy of the certificate of exemption, the name of the purchaser, the date of each sale, and the amount of the sale.
 - (e) In order to receive an exemption certificate, a semipublic institution shall follow the Office of Tax and Revenue's electronic application process.

- (f) All exemption applications filed by semipublic institutions shall include, but are not limited to, the following information:
- (1) Taxpayer ID Number;
 - (2) Name;
 - (3) Address;
 - (4) Sales Tax Account Number;
 - (5) NAICS Code;
 - (6) Federal Exemption Status;
 - (7) Proof of IRS exemption (*e.g.*, IRS Determination Letter or Application for Recognition of Exemption) ;
 - (8) Organizational details; and
 - (9) Information regarding activities and locations in the District.

417.10 **Exemption Certificate for Qualified High Technology Companies.**

- (a) A qualified high technology company purchasing computer software or hardware, and visualization and human interface technology equipment, including operating and applications software, computers, terminals, display devices, printers, cable, fiber, storage media networking hardware, peripherals, and modems when purchased for use in connection with the operation of the Qualified High Technology Company shall obtain from the Deputy Chief Financial Officer a certificate of exemption stating that the company is entitled to the sales tax exemption.
- (b) Beginning with exemption certificates issued after November 1, 2017, exemption certificates issued to Qualified High Technology companies through an annual certification process shall be valid until the expiration date stated on the certificate.
- (c) Exemption certificates issued to Qualified High Technology Companies prior to November 1, 2017 shall not be accepted to prove that a sale is exempt from tax after January 31, 2018.
- (d) All exemption applications filed by qualified high technology companies shall include, but are not limited to, the following information:
- (1) Taxpayer ID Number;
 - (2) Name;
 - (3) Address;
 - (4) Sales Tax Account Number;
 - (5) NAICS Code;
 - (6) Information demonstrating QHTC eligibility;
 - (7) First year certified as QHTC;
 - (8) Explanation of principal business activity;
 - (9) Amount of QHTC Exempt Sales/Purchases from the prior year (broken down by period);
 - (10) Number of QHTC employees hired;

- (11) Number of QHTC employees hired who are District residents;
- (12) Number of QHTC jobs created in the past year;
- (13) Gross revenue; and
- (14) Gross revenue earned from QHTC activities in the District.

417.11 **Exemption Certificate for Natural or Artificial Gas, Oil, Electricity, Solid fuel, or Steam.**

- (a) Except as otherwise provided in this section, each purchaser of natural or artificial gas, oil, electricity, solid fuel, or steam for any purpose exempt from sales tax under D.C. Official Code §§ 47-2005(11) or (11A), in order to qualify for the exemption, shall present evidence satisfactory to the Deputy Chief Financial Officer that the sale is exempt under the Act and this subsection, and shall obtain from the Office of Tax and Revenue a Utility exempt certificate to be presented to the vendor.
- (b) Beginning with exemption certificates issued after November 1, 2017, exemption certificates issued to purchasers of natural or artificial gas, oil, electricity, solid fuel, or steam shall be valid only for a period of five years from the date issued or until the purchaser is no longer entitled to the exemption, whichever is earlier.
- (c) Exemption certificates issued to purchasers of natural or artificial gas, oil, electricity, solid fuel, or steam exempt from sales tax under D.C. Official Code §§ 47-2005(11) or (11A) prior to November 1, 2017, shall no longer be accepted after November 1, 2018.
- (d) All exemption applications filed by each purchaser of natural or artificial gas, oil, electricity, solid fuel, or steam for any purpose exempt from sales tax under D.C. Official Code §§ 47-2005(11) or (11A) shall include, but are not limited to, the following information:
 - (1) Taxpayer ID Number;
 - (2) Name;
 - (3) Address;
 - (4) Sales Tax Account Number;
 - (5) NAICS Code;
 - (6) Proof of utility account; and
 - (7) Utility details, including but are not limited to utility purpose, utility provider, utility account number, meter number, service address.

417.12 **Exemption Certificate for Parking Fees.**

- (a) Except as otherwise provided in this section, each purchaser of exempt parking, storage, or keeping motor vehicles or trailers, shall present evidence satisfactory to the Deputy Chief Financial Officer that the sale is exempt under the Act and this section, and shall obtain from the Director a specific exemption to be presented to the vendor.

- (b) Beginning with exemption certificates issued after November 1, 2017, exemption certificates issued to purchaser of exempt parking, storage, or keeping motor vehicles or trailers shall be valid only for a maximum period of two years; in the case of residential parkers, the exemption certificate shall be valid for two years, or for the period of a valid lease in the District of Columbia, whichever is shorter.
- (c) Exemption certificates issued to purchasers of exempt parking, storage, or keeping motor vehicles or trailers prior to November 1, 2017 shall not be accepted for sales made after November 1, 2018.
- (d) All exemption applications filed by a purchaser of exempt parking, storage, or keeping motor vehicles or trailers shall include, but are not limited to, the following information:
 - (1) Taxpayer ID Number (SSN);
 - (2) Name;
 - (3) Address;
 - (4) District Driver's license number;
 - (5) District vehicle tag information;
 - (6) Vehicle make, model, year;
 - (7) Parking lot details, including address and distance from residence; and
 - (8) A copy of the taxpayer's District Driver's License, District vehicle registration, and proof of District residence.

417.13

Contractor's Exempt Purchase Certificate.

- (a) A contractor purchasing property at retail for a construction contract with a semipublic institution holding a valid exemption certificate or with the United States or District governments or their instrumentalities shall obtain from the Deputy Chief Financial Officer a certificate of exemption stating that the institution is entitled to the exemption. If the contractor does not present the certificate of exemption to the vendor, the vendor shall collect the reimbursement for the tax.
- (b) Beginning with exemption certificates issued after November 1, 2017, exemption certificates issued to contractors shall be valid only for the period of the exempt construction project, based on a signed contract with an exempt entity.
- (c) Exemption certificates issued to contractors prior to November 1, 2017 shall not be accepted for sales made after November 1, 2018, or the end date of the exempt project, whichever is first.
- (d) If a vendor makes sales to an exempt contractor, the vendor shall keep a copy of the certificate of exemption, the name of the purchaser, the date of each sale, and the amount of the sale.

- (e) In order to receive an exemption certificate, a contractor shall follow the Office of Tax and Revenue's electronic application process.
- (f) All exemption applications filed for the contractor's exempt purchase certificate by a contractor shall include, but are not limited to, the following information:
 - (1) Taxpayer ID Number;
 - (2) Name;
 - (3) Address;
 - (4) Sales Tax Account Number;
 - (5) NAICS Code;
 - (6) Project information, including but are not limited to location, dates, contract information, and contracting organization;
 - (7) A list of all subcontractors, including taxpayer ID number; and
 - (8) A copy of the relevant pages of the government or semi-public institution contract (shall include project dates, project ID number, and authorization signatures).

417.14 **Government Exemption Certificate.**

- (a) A government agency of the United States or District governments purchasing property at retail shall obtain from the Deputy Chief Financial Officer a certificate of exemption. If the government agency does not present the certificate of exemption to the vendor, the vendor shall collect the reimbursement for the tax.
- (b) If a vendor makes sales to a government agency, the vendor shall keep a copy of the certificate of exemption, the name of the purchaser, the date of each sale, and the amount of the sale.
- (c) In order to receive an exemption certificate, a government agency shall follow the Office of Tax and Revenue's electronic application process.
- (d) All exemption applications filed by government organizations shall include, but are not limited to, the following information:
 - (1) Taxpayer ID Number;
 - (2) Name;
 - (3) Address;
 - (4) Description of the government or instrumentality;
 - (5) Reason for exemption; and
 - (6) Proof of applicability of exemption.

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 D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024; telephone at (202) 442-6462; or, email at jessica.brown@dc.gov. Copies of this rule and related information may be obtained by contacting Jessica Brown as stated herein.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2017-181
August 8, 2017

SUBJECT: Appointment – For-Hire Vehicle Advisory Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.), and pursuant to section 11a of the Department of For-Hire Vehicles Establishment Act of 1985, effective June 22, 2016, D.C. Law 21-124; 63 DCR 7076, to be codified at D.C. Official Code § 50-301.10a, which established the For-Hire Vehicle Advisory Council, it is hereby **ORDERED** that:

1. **DOTTI LOVE-WADE** is reappointed as a District resident unaffiliated with the vehicle for-hire industry, who regularly use public or private vehicles-for-hire in the District representative of the For-Hire Vehicle Advisory Council, for a term to end July 18, 2020.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-182
August 8, 2017

SUBJECT: Amendment and Reappointments — Mayor's Advisory Commission on Caribbean Community Affairs

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2012-127, dated August 15, 2012, it is hereby **ORDERED** that:

1. Section V of Mayor's Order 2012-127, dated August 15, 2012, is amended as follows:

- a. Subsection B is rescinded.
- b. A new subsection H is added to read as follows:

“H. The anniversary date for all appointments shall be August 15.”


2. The following persons are reappointed as members of the Mayor's Advisory Commission on Caribbean Community Affairs for terms to end August 15, 2020:

- a. **MICHAEL CAMPBELL**
- b. **WILLAIR ST. VIL**
- c. **CHRISTOPHER TOUSSAINT**
- d. **MICHAEL YATES**

3. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

 LAUREN C. VAUGHAN
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-183
August 8, 2017

SUBJECT: Amendment and Appointment — Commission on the Martin Luther King Jr. Holiday

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2013-243, dated December 23, 2013, as amended by Mayor's Order 2017-055, dated March 3, 2017, it is hereby **ORDERED** that:

- 1. Section V. of Mayor's Order 2013-243, dated December 23, 2013, is amended by adding a new subsection D. to read as follows:


“D. The anniversary date for all appointments shall be January 31.”

- 2. **CALVIN T. NOPHLIN** is appointed as a public voting member of the Commission on the Martin Luther King Jr. Holiday, replacing Willie Hasson, for an unexpired term ending January 16, 2019.

- 3. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

 LAUREN C. VAUGHAN
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-184
August 8, 2017

SUBJECT: Appointment – Commission on Aging


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 402 of the District of Columbia Act on the Aging, effective October 29, 1975, D.C. Law 1-24, D.C. Official Code § 7-504.02 (2012 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **TYRA REDUS** is appointed as an ex-officio, non-voting District government member of the Commission on Aging, representing the District Department of Transportation, replacing Raka Choudhury, to serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****FY 2018 Public Art Building Communities Grants Cycle 2**

The DC Commission on the Arts and Humanities (CAH) announces the availability of grants to support public art projects by individuals, District-based non-profit organizations and Business Improvement Districts (BID) in the District of Columbia during fiscal year 2018.

At the time of application, individuals must reside in the District of Columbia. Organizations must be incorporated as a nonprofit, with a designated tax exempt status under section 501(c)(3) of the United States Internal Revenue Code or are a DC Business Improvement District (BID) incorporated with central offices in the District of Columbia in addition to the other eligibility criteria to be listed in the program's guidelines. Applicants must also be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES) and possess a clean hands certification.

All eligible applications are reviewed through a competitive process. Evaluation criteria are based on 1) Artistic Merit, 2) Community Impact and Engagement, and 3) Level of Participation and 4) Capacity and Sustainability. All activities funded by the grant must occur between October 1, 2017 and be completed by September 30, 2018.

The Request for Applications (RFA) will be available electronically beginning September 1, 2017 on the DCCAHA website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for applications is October 20, 2017.

For more information, please contact:

Keona Pearson
Arts Program Coordinator
DC Commission on the Arts and Humanities
200 I (EYE) St. SE
Washington, DC 20003
(202) 724-56213 or keona.pearson@dc.gov

DISTRICT OF COLUMBIA COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF PUBLIC MEETING

Board of Commissioners

The Board of Commissioners of the District of Columbia Commission on the Arts and Humanities (CAH) will be holding a tele-meeting on Thursday, August 17, 2017 at 3:00 p.m. The meeting will be held via conference call.

The login information is: Tele-Meeting | 1-877-691-0789| Passcode 2540738#

A final agenda will be posted to the DCCAHA website at <http://dcarts.dc.gov/page/commissioner-meetings>. For further information, please contact the front desk at (202) 724-5613.

DRAFT AGENDA

- | | | |
|----|--------------------------------------|---------------------------|
| 1. | Call to Order | Chairperson |
| 2. | Adoption of the Agenda | All Commissioners Present |
| 3. | Adoption of Minutes | All Commissioners Present |
| 4. | Chairperson’s Report | Chairperson |
| 5. | Executive Director’s Report | Executive Director |
| 6. | Grant Procedure and Allocations Vote | All Commissioners Present |
| 7. | New Business and Announcements | All Commissioners Present |
| 8. | Adjournment | Chairperson |

CITY ARTS AND PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

City Arts and Prep Public Charter School, in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995, solicits proposals for the following services:

- Speech & language therapy services
- Academic & behavioral assessments

Applicants must be able to complete evaluations within a 45-day time frame and be available to meet to review results 15-20 days after submission to the school. Applicants must be able to meet the state regulations on submitting system paperwork within in 5-day time frame.

Proposal Submission:

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than 5:00 p.m. EST on Monday, August 28, 2017, unless otherwise stated in associated RFPs. Proposals should be emailed to bids@cityartspcs.org.

No phone call submissions or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**PUBLIC NOTICE**

Notice is hereby given that, pursuant to Chapter 27 of Title 20 of DCMR, the Permit Operations Division of the Department of Consumer and Regulatory Affairs (DCRA), located at 1100 4th Street SW, 3rd Floor, Washington, DC, has issued an afterhours permit and temporary exemption (AH1701145) from the maximum permissible noise level and times restrictions.

Location:

The afterhours permit and temporary exemption are for construction activities taking place at 215 G Street, NE, Logan Elementary School.

Time of day and duration of noise:

The afterhours permit and temporary exemption are in effect from through 7:00 PM August 8, 2017 through 11:59 PM August 14th, 2017.

Allowable noise level:

80 decibels

Reason for issuance:

District of Columbia Schools open for teachers on August 15, 2017. The schools open for students on August 21, 2017. In order to complete the final work before the start of school, an after-hours permit is necessary.

For more information, please contact Robert Simpkins at (202) 481-3389.

DC INTERNATIONAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

RFP for Contracted Design for website, signage, and other needs: DCI requires design services for both print and digital media and physical items in our new building. Please send hourly rates for digital design, print design, and items like tees, mugs, swags and internal building signs. Please also include awards, experience in the education area, and a portfolio of work. Bids must include evidence of experience in field, qualifications and estimated fees. Please send proposals to RFP@dcinternationalschool.org. Proposals must be received no later than the close of business Friday, September 1, 2017.

RFP for Contracted computer support fees: Service Providers will be required support DCI's technology for staff and in the classroom. This includes supporting Apple and Chromebook hardware and software. Vendors must have experience implementing Chromebooks and the management console and Educational Technology on large scale basis as well as Apple MacBook support. Bids must include a contract to support DCI as needed, with onsite service hours, as well as remote support hours. Bids must include evidence of experience in field, qualifications, and estimated fees for hourly or monthly service.. Please send proposals to RFP@dcinternationalschool.org. Proposals must be received no later than the close of business Friday, September 1, 2017.

RFP for Integrated pest management services: DCI is seeking pest management services for our permanent facility, interior and exterior. The building interior and exterior will need to be periodically inspected for the presence of pests and preventive measures will be taken to avoid pests. If any pests are detected, integrated (non-chemical) methods will be implemented as the first control step, including sanitation measures, exclusion measures, and the use of traps. Site management practices must minimally impact local ecosystem, and to reduce exposure of occupants, staff and maintenance personnel to potentially hazardous chemical, biological and particle contaminants. Our facility is on approximately 6 acres, and the completed interior is 100k sq/ft. An addition, currently under construction, will add another 40k sq/ft after completion in January 2017. Bids must include evidence of experience in field, qualifications, references and estimated fees on a monthly basis. Please send proposals to RFP@dcinternationalschool.org. Proposals must be received no later than the close of business Friday, September 1, 2017.

RFP for Plumbing, Heating, AC & Energy quarterly and annual maintenance: DCI is seeking plumbing, heating, AC & Energy maintenance solutions for our permanent facility, interior and exterior. DCI will need annual and quarterly maintenance on: 327 Fan Coil Units, 5 outside air Units, 3 Air Handler Units, 1 Humidifier, 10 Blower Coils, 4 end suction pumps, 2 heat exchangers, 22 hot water VAV's, 109 outside air VAV's, 9 EA VAV's, 25 exhaust fans pumps, 4 sump pumps, 7 water heaters, 22 Instantaneous water heaters, 4 recirculation pumps, 13 hot water unit heaters, 10 Electric Unit heaters. A detailed RFP can be found at: <https://tinyurl.com/yaoxf3ud>. Bids must include evidence of experience in field, qualifications, references and estimated fees on a monthly basis. Please send proposals to RFP@dcinternationalschool.org. Proposals must be received no later than the close of business Friday, September 1, 2017.

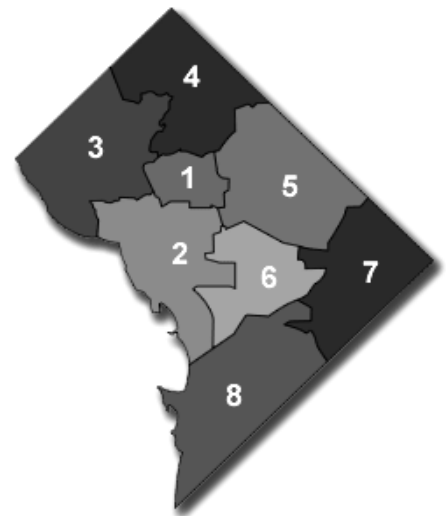
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of JULY 31, 2017**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	45,136	2,970	631	146	166	11,305	60,354
2	30,915	5,827	211	161	152	10,897	48,163
3	38,304	6,629	347	139	155	11,142	56,716
4	49,040	2,269	521	85	168	8,864	60,947
5	51,985	2,331	579	107	214	9,244	64,460
6	54,788	7,209	481	240	235	13,556	76,509
7	47,412	1,263	421	48	162	6,382	55,688
8	45,808	1,351	437	45	174	7,063	54,878
Totals	363,388	29,849	3,628	971	1,426	78,453	477,715
Percentage By Party	76.07%	6.25%	.76%	.20%	.30%	16.42%	100.00%

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF JULY 31, 2017

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboe.org>



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of JULY 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,412	32	9	2	4	244	1,703
22	3,725	392	29	15	11	959	5,131
23	2,898	219	44	15	10	790	3,976
24	2,680	257	26	14	15	799	3,791
25	3,804	453	45	13	13	1,098	5,426
35	3,594	229	53	15	8	829	4,728
36	4,225	246	54	6	15	1,036	5,582
37	3,488	163	50	14	9	823	4,547
38	2,873	136	46	17	12	731	3,815
39	4,148	206	68	7	14	910	5,353
40	3,953	190	86	11	17	1,011	5,268
41	3,577	207	63	7	17	1,017	4,888
42	1,839	82	30	2	11	447	2,411
43	1,792	71	21	3	7	360	2,254
137	1,128	87	7	5	3	251	1,481
TOTALS	45,136	2,970	631	146	166	11,305	60,354

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of JULY 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	931	181	6	9	12	554	1,693
3	1,668	387	17	8	11	655	2,746
4	1,954	492	5	11	7	759	3,228
5	2,088	594	13	15	8	784	3,502
6	2,329	857	17	15	15	1,232	4,465
13	1,296	234	4	2	5	422	1,963
14	2,959	491	24	16	10	969	4,469
15	3,053	420	28	16	16	887	4,420
16	3,474	441	25	18	16	967	4,941
17	4,828	638	33	21	17	1,499	7,036
129	2,390	407	13	12	14	909	3,745
141	2,401	313	13	10	13	663	3,413
143	1,544	372	13	8	8	597	2,542
TOTALS	30,915	5,827	211	161	152	10,897	48,163

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of JULY 31, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,284	404	15	3	6	566	2,278
8	2,445	640	31	6	8	776	3,906
9	1,176	504	7	9	8	487	2,191
10	1,883	427	18	7	13	698	3,046
11	3,443	922	39	28	23	1,267	5,722
12	489	191	0	4	4	208	896
26	2,896	348	20	8	7	862	4,141
27	2,462	249	23	10	4	589	3,337
28	2,519	500	39	7	10	771	3,846
29	1,351	244	12	8	8	416	2,039
30	1,290	211	11	4	5	297	1,818
31	2,433	308	16	6	12	570	3,345
32	2,721	300	23	5	11	577	3,637
33	2,913	304	23	4	4	674	3,922
34	3,767	434	37	13	9	1,130	5,390
50	2,187	276	16	6	8	484	2,977
136	846	100	6	1	3	267	1,223
138	2,199	267	11	10	12	503	3,002
TOTALS	38,304	6,629	347	139	155	11,142	56,716

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of JULY 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,269	71	32	5	10	379	2,766
46	2,837	91	31	8	13	496	3,476
47	3,391	147	43	10	16	760	4,367
48	2,824	130	26	6	6	550	3,542
49	908	45	15	3	6	199	1,176
51	3,342	526	21	7	9	631	4,536
52	1,240	153	9	0	3	239	1,644
53	1,249	72	19	1	5	242	1,588
54	2,371	96	27	2	5	449	2,950
55	2,427	76	18	1	9	429	2,960
56	3,121	96	33	8	14	632	3,904
57	2,439	73	34	6	12	468	3,032
58	2,270	64	19	3	5	336	2,697
59	2,621	88	30	5	7	420	3,171
60	2,160	73	24	4	10	603	2,874
61	1,586	53	13	0	6	281	1,939
62	3,173	128	22	3	5	382	3,713
63	3,745	132	58	1	18	652	4,606
64	2,356	69	21	7	5	354	2,812
65	2,711	86	26	5	4	362	3,194
Totals	49,040	2,269	521	85	168	8,864	60,947

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of JULY 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,383	194	62	9	15	984	5,647
44	2,809	240	26	8	18	651	3,752
66	4,486	92	44	4	14	570	5,210
67	2,864	102	21	4	9	403	3,403
68	1,918	165	21	8	5	397	2,514
69	2,082	70	19	1	10	284	2,466
70	1,450	77	25	0	4	211	1,767
71	2,362	71	25	5	11	323	2,797
72	4,319	141	36	7	24	709	5,236
73	1,972	95	22	6	10	360	2,465
74	4,601	261	64	9	20	964	5,919
75	3,869	214	46	16	18	824	4,987
76	1,583	87	22	5	7	348	2,052
77	2,843	118	28	4	12	489	3,494
78	2,926	93	44	9	10	470	3,552
79	2,035	71	19	2	10	347	2,484
135	3,067	180	40	8	11	612	3,918
139	2,416	60	15	2	6	298	2,797
TOTALS	51,985	2,331	579	107	214	9,244	64,460

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of JULY 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,512	564	44	25	15	1,223	6,383
18	4,860	373	46	13	19	1,100	6,411
21	1,169	58	8	7	1	251	1,494
81	4,629	377	44	11	21	932	6,014
82	2,597	262	33	8	8	593	3,501
83	5,278	737	36	30	25	1,385	7,491
84	1,995	412	20	6	10	544	2,987
85	2,694	517	16	14	12	738	3,991
86	2,200	262	22	10	7	460	2,961
87	2,722	281	18	3	16	581	3,621
88	2,168	298	20	6	4	516	3,012
89	2,599	652	19	11	9	766	4,056
90	1,594	249	10	7	10	478	2,348
91	4,083	402	37	16	21	959	5,518
127	4,175	324	42	22	16	875	5,454
128	2,451	218	27	10	11	612	3,329
130	795	319	6	3	3	285	1,411
131	2,693	717	18	25	20	832	4,305
142	1,574	187	15	13	7	426	2,222
TOTALS	54,788	7,209	481	240	235	13,556	76,509

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of JULY 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,439	84	19	4	2	260	1,808
92	1,590	33	12	1	5	221	1,862
93	1,569	40	18	2	5	217	1,851
94	1,920	54	18	0	6	253	2,251
95	1,650	46	13	1	3	259	1,972
96	2,338	66	16	1	13	334	2,768
97	1,394	44	14	1	6	199	1,658
98	1,905	40	23	2	7	251	2,228
99	1,496	49	18	4	8	237	1,812
100	2,359	46	16	2	8	278	2,709
101	1,581	28	13	3	5	172	1,802
102	2,313	53	18	0	11	278	2,673
103	3,427	76	38	2	9	477	4,029
104	3,042	81	30	1	18	426	3,598
105	2,411	68	20	4	8	363	2,874
106	2,770	55	19	2	11	368	3,225
107	1,742	60	13	1	8	218	2,042
108	1,083	28	6	0	2	128	1,247
109	962	39	4	0	1	95	1,101
110	3,733	103	23	7	10	417	4,293
111	2,471	62	33	3	5	374	2,948
113	2,186	54	20	3	7	268	2,538
132	2,031	54	17	4	4	289	2,399
TOTALS	47,412	1,263	421	48	162	6,382	55,688

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of JULY 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,208	62	17	1	10	319	2,617
114	3,475	130	35	4	21	554	4,219
115	2,853	67	24	5	9	602	3,560
116	4,112	97	41	5	15	628	4,898
117	2,090	49	18	2	12	337	2,508
118	2,755	79	35	3	11	411	3,294
119	2,689	107	30	1	12	446	3,285
120	1,869	30	15	2	2	225	2,143
121	3,366	77	26	3	6	459	3,937
122	1,796	47	20	0	9	237	2,109
123	2,309	161	25	10	18	378	2,901
124	2,606	67	20	1	7	353	3,054
125	4,488	102	39	2	13	685	5,329
126	3,834	128	47	4	16	703	4,732
133	1,305	41	10	0	1	169	1,526
134	2,199	49	25	1	6	288	2,568
140	1,854	58	10	1	6	269	2,198
TOTALS	45,808	1,351	437	45	174	7,063	54,878

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 6/30/2017 and 7/31/2017

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	363,554	29,753	3,616	959	1,406	78,122	477,410
Board of Elections Over the Counter	17	0	0	0	0	9	26
Board of Elections by Mail	16	3	0	0	0	4	23
Board of Elections Online Registration	42	5	1	2	0	12	62
Department of Motor Vehicle	1,964	254	18	3	34	700	2,973
Department of Disability Services	0	0	0	0	0	0	0
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	2	1	0	0	0	0	3
Department of Human Services	28	3	0	0	0	12	43
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	119	6	2	0	0	67	194
+Total New Registrations	2,188	272	21	5	34	804	3,324

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	273	18	1	0	3	68	363
Administrative Corrections	2	2	0	0	0	4	8
+TOTAL ACTIVATIONS	275	20	1	0	3	72	371

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	1,258	98	8	3	7	311	1,685
Moved Out of District (Deleted)	1	0	0	0	0	0	1
Felon (Deleted)	0	0	0	0	0	1	1
Deceased (Deleted)	978	52	6	0	0	95	1,131
Administrative Corrections	453	43	5	3	8	83	595
-TOTAL DEACTIVATIONS	2690	193	19	6	15	490	3,413

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P
+ Changed To Party	288	64	21	22	23	219
- Changed From Party	-277	-67	-12	-9	-25	-274
ENDING TOTALS	363,388	29,849	3,628	971	1,426	78,453

DEPARTMENT OF HEALTH

COMMUNITY HEALTH ADMINISTRATION

Announces

**Mayor's Commission on Lactation
2017 Notice of Public Meetings Schedule**

The District of Columbia (DC) Mayor's Commission on Lactation will hold public meetings at the DC Department of Health, 899 North Capitol St., NE, Room 306, Washington, DC, 20002 on the following **Mondays** from **6:00 pm to 8:00 pm**:

- *August 28, 2017;*
- *September 25, 2017;*
- *October 30, 2017;*
- *November 27, 2017*

The Lactation Commission has been established to make recommendations to the Mayor of the District of Columbia and the Department of Health regarding legislative, programmatic, and policy ways to improve the District's Devise strategies to reduce infant mortality and increase infant and child health outcomes through promotion, awareness, and support of breastfeeding and lactating mothers. Members of the public are welcome to attend. More information about the meetings can be found at <https://www.open-dc.gov/public-bodies/meetings>.

Please contact Paulette Thompson at 202.442.5894 or paulette.thompson@dc.gov for additional information.

At the Department of Health, parking is available under the building at a cost. There is limited street parking. Check WMATA <http://www.wmata.com/> for other transportation options. The nearest Metro stop is Union Station. This is a secured facility and photo identification is required for entry. Please allow time to go through security.

**DEPARTMENT OF HEALTH (DOH)
HIV/AIDS, HEPATITIS, STD AND TB ADMINISTRATION (HAHSTA)**

**AMENDED NOTICE OF FUNDING AVAILABILITY (NOFA)
HAHSTA_OTSP_08.11.17 (RFA)**

FY 2018 Opioid Treatment Expansion Initiative

This notice supersedes the notice published in DC Register on 08/04/2017 volume 64/31

The District of Columbia, Department of Health (DOH) is soliciting applications from qualified applicants to provide services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement provides public notice of the Department of Health's intent to make funds available for the purpose described below. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DOH terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	FY2018 Opioid Treatment Expansion Initiative
Funding Opportunity Number:	FO-HAHSTA-PG-00012-006
RFA ID#:	RFA # HAHSTA_OTSP_08.11.17
Opportunity Category:	Competitive
DOH Administrative Unit:	HIV/AIDS, Hepatitis, STD, Tuberculosis Administration
DOH Program Bureau	Prevention and Intervention Services Division
Program Contact:	Stacey Cooper, Deputy Division Chief Stacey.cooper@dc.gov 202/671-4900
Program Description:	The Government of the District of Columbia, Department of Health (DOH), HIV/AIDS, Hepatitis, STD and Tuberculosis Administration (HAHSTA) is soliciting applications from qualified applicants to build capacity among Federally Qualified Health Centers (FQHCs) to prescribe buprenorphine-based treatment to opioid users.
Eligible Applicants	Federally-Qualified Health Centers (FQHC). All applicants must be located within and provide services in the District of Columbia.

Anticipated # of Awards:	Up to 5
Anticipated Amount Available:	\$850,000.00

Funding Authorization

Legislative Authorization	FY17 Budget Support Act of 2018
Associated CFDA#	Not Applicable
Associated Federal Award ID#	Not Applicable
Cost Sharing / Match Required	No
RFA Release Date:	Friday, 08/18/2017
Pre-Application Meeting (Date)	Tuesday, 08/22/2017
Pre-Application Meeting (Time)	10:00 a.m. – 12:00 p.m.
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE – 4 th Floor
Letter of Intent Due date:	Tuesday, 08/22/2017
Application Deadline Date:	Friday, September 15, 2017
Application Deadline Time:	6:00 p.m.
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse https://opgs.dc.gov/page/opgs-district-grants-clearinghouse DOH EGMS https://dcdoh.force.com/GO_ApplicantLogin2

Notes:

1. DOH reserves the right to issue addenda and/or amendments subsequent to the issuance of this NOFA, or to rescind the NOFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DOH grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM).
5. Effective September 1, 2016, grant application submissions will be done via the DOH Enterprise Grants Management System (EGMS). Applicants must register to obtain an EGMS account at least two weeks prior to the submission deadline date.
6. DOH is located in a secured building. Government issued identification must be presented for entrance.

DEPARTMENT OF HUMAN SERVICES**FY 2018 NOTICE OF FUNDING AVAILABILITY (NOFA)****District of Columbia Flexible Rent Subsidy Pilot Program****Background**

The District of Columbia (District), Department of Human Services, hereinafter referred to as the “Grantor” or “DHS,” is accepting detailed proposed (also referred to as “applications”) for Fiscal Year (FY) 2018 to establish the Flexible Rent Subsidy Pilot Program (herein referred to as “Program”) pursuant to its authority set forth in Section 30 of the Homeless Services Reform Act (HSRA) of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §§ 4-756.01(a), et seq.), as amended, and Mayor’s Order 2007-80 dated April 2, 2007.

The mission of the DHS is to empower every District resident to reach their full potential by providing meaningful connections to work opportunities, economic assistance, and supportive services. Within DHS, the Family Services Administration (FSA) provides protection, intervention, and supportive services to meet the needs of vulnerable adults and families experiencing or at risk of homelessness.

Program Scope:

The Program is designed to support District residents, who are at imminent risk of experiencing homeless, to achieve stability in permanent housing through individualized financial assistance and training. Financial assistance will be provided in the form of direct funds, which will be made payable only to the recipient’s landlord, in instances where a variance exists between the head of household’s income and the totally monthly rent expenses. The Program is designed to accommodate approximately up to one-hundred and twenty (120) families. Specific details on the program scope are listed in the RFA.

Target Population

Eligible recipients of this Program must meet the following requirements:

- A. Reside in the District of Columbia as defined by section 2 of the HSRA (D.C. Official Code § 4-751.01(32));
- B. Be at imminent risk of experiencing homelessness at the time of application;
- C. Be a household that headed by an individual that is at least twenty-one (21) years or older;
 - i. Has physical custody of at least one (1) dependent child;
 - ii. Is currently employed or has recent history of employment;
 - iii. Is at or below thirty percent (30%) of Area Median Income (AMI);
 - iv. Is the lease holder for the rental unit;
 - v. Is willing to complete a budget and financial management class or training prior to enrollment in the Program; and

D. Only one family per household.

Eligibility

DHS will accept applications from eligible applicants to include: nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations, Faith-based organizations universities/educational institutions, and private enterprises

Release Date of RFA:	Wednesday, August 30, 2017
Availability of RFA:	The RFA will be posted on the <u>District's Grant Clearinghouse Website</u>
Total Estimated Available Funding:	Up to one million two hundred fifty thousand dollars and zero cents (\$1,250,000.00)
Total Estimated Number of Awards:	One
Estimated Period of Performance:	November 2017 – October 2018
Length of Award:	Twelve (12) months with up to three (3) additional option years
Pre-Application Conference:	Wednesday, September 13, 2017 Specific details on time and location will be released in the RFA
Deadline for Submission:	4:00PM on Wednesday, September 27, 2017 Specific details on submission will be released in the RFA
Contact Person:	Jason Kim, Performance Management Officer <u>Jason.kim@dc.gov</u> , (202) 671-4449

MUNDO VERDE PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Food Distributor: Bread Items**

Mundo Verde Public Charter School is advertising the opportunity to bid on the delivery of Bread Items to children enrolled at the school for the 2017-2018 school year with a possible extension of (2) one year renewals. All items must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Invitation for Bid (IFB) such as; student data, days of service, meal quality, etc. may be obtained beginning on **August 18, 2017** from **Kelsey Weisgerber at 202-750-7060 or kweisgerber@mundoverdepcs.org**.

Proposals will be accepted at 30 P Street NW, Washington, DC 2001 until September 11, 2017 at 3:30 P.M.

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

INVITATION TO BID**Food Distributor: Grocery Items**

Mundo Verde Public Charter School is advertising the opportunity to bid on the delivery of Grocery Products to children enrolled at the school for the 2017-2018 school year with a possible extension of (2) one year renewals. All items must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Invitation for Bid (IFB) such as; student data, days of service, meal quality, etc. may be obtained beginning on **August 18, 2017** from **Kelsey Weisgerber at 202-750-7060 or kweisgerber@mundoverdepcs.org**.

Proposals will be accepted at 30 P Street NW, Washington, DC 2001 until September 11, 2017 at 3:30 P.M.

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

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

NOTICE OF PROPOSED TARIFF TT00-5, IN THE MATTER OF VERIZON WASHINGTON DC, INC.'S PUBLIC OCCUPANCY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code § 34-802 (2001), and D.C. Official Code § 34-2003 (2016 Supp.) hereby gives notice of its intent to act upon the Application of Verizon Washington, DC Inc. (“Verizon DC”)¹ in the above-captioned matter. Pursuant to D.C. Official Code § 2-505 (2001), the Commission will act upon the Application in not less than thirty (30) days after the date of publication of this Notice of Proposed Tariff (“NOPT”) in the *D.C. Register*.

2. On August 4, 2017, Verizon DC filed an application requesting authority to amend the following tariff page:

GENERAL REGULATIONS TARIFF P.S.C.-D.C.-NO. 201
Section 1A, 2nd Revised Page 2

In its Application, Verizon DC seeks to change the true-up timeframe for the right-of-way surcharge. Verizon DC proposes to change the existing language stating that the true-up will occur “each July” to “annually.” Verizon DC asserts that this amendment is reasonable and necessary because the effective date of a true-up is contingent on Commission approval, which may not occur in time for a July effective date.²

3. The complete text of this Application is on file with the Commission. The proposed tariff revision is on file with the Commission and may be reviewed at the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, NW, Suite 800, Washington, DC 20005 between the hours of 9:00 am and 5:30 pm Monday through Friday. Copies of Verizon DC’s Application may be obtained by visiting the Commission’s website at www.dcpssc.org. Once at the website, open the “eDocket” tab, click on the “Search database” and input “TT00-5” as the case number and “87” as the item number. Copies of the Verizon DC Application may also be purchased, at cost, by contacting the Commission Secretary at (202) 626-5150 or psc-commissionsecretary@dc.gov.

¹ *TT00-5, In the Matter of Verizon Washington, DC Inc. 's Public Occupancy Surcharge General Regulations Tariff P.S.C.-D.C. No. 201 (“TT00-5”), Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Philip J. Wood, Vice President for State Government Affairs — Mid-Atlantic Region, filed August 4, 2017.*

² Application at 1.

4. All persons interested in commenting on Verizon DC's Application may submit written comments and reply comments not later than 30 and 45 days, respectively, after publication of this notice in the D.C. Register with Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. After the comment period has expired, the Commission will take final action on this Application.

DEPARTMENT OF SMALL & LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

Healthy Foods Retail Program Grant, *Grown in DC*

(HUB Zones and/or Census Tracts 18.01, 33.01, 95.05, 95.07, or 95.08)

The Department of Small and Local Business Development (DSLBD) is soliciting applications from qualified non-profit organizations that are incorporated in the District of Columbia to operate a small, food retailer farmer's market anchor initiative. Small food retailers are encouraged to work cooperative to expand food access in eligible areas by creating a critical mass of vendors and customers at markets in eligible areas.

Grant Overview: DSLBD will award a portion of the total grant dollars, up to \$75,000.00, by September 15, and up to an additional \$125,000.00 under the same vehicle on or after October 1, 2017 to extend support into winter markets and summer market 2018 prep.

How to Apply: The Request for Applications (RFA) will available on the DSLBD website at: <https://dslbd.dc.gov/HFRP>.

Objectives: DSLBD may award multiple or a single grant to meet the following objectives:

1. Branding & marketing: create a website, logo, and conduct outreach, based on the initial DSLBD "Made In DC" infrastructure.
2. Market operations: such as staff time, permits, and purchasing of materials like tables, tents, etc.
3. Training & technical assistance: to offer additional support for cottage food regulation guidance and seed an entrepreneurial training program.
4. Additional, flexible subgrants: optionally, the grantee could produce, with final approval from DSLBD, competitive micro-grants to cover unanticipated vendor expenses related to coordination, which could be converted to micro-grants for equipment or licensing, or underwriting support for micro-loans.

Deadlines: Completed applications are in hard copy due on or before Friday, August 25, at 2:00 p.m. Applicants submitting incomplete applications will be notified by Monday, August 28, 2017, and will have two business days to delivery missing information. Corrected applications are due on Thursday, August 31, 2017 at 2 p.m. (441 4th Street, NW, #805 South Washington DC 20001). A photo ID is required to enter the building.

Submission: Applications must be made submitted to the DSLBD front desk in hard copy via hand delivery. DSLBD will not accept applications submitted via mail or electronic submission. Late submissions and incomplete applications will not be reviewed.

Additional Instructions: Instructions and guidance regarding application preparation can be found in the Request for Applications document that will be available at: <https://dslbd.dc.gov/HFRP>.

Final Details: DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

Contact: Katherine Mereand-Sinha, Tech & Innovation Program Manager, at (202) 727-3900 or Katherine.Mereand-Sinha@dc.gov.

SUSTAINABLE FUTURES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Facilities Partner**

Sustainable Futures PCS is seeking a qualified partner to help us secure a long-term facility. Proposals are due no later than September 15, 2017. The complete RFP can be obtained by emailing lbryant@sfpcsd.org . Please indicate 'Facilities Partner RFP' in the subject line.

OFFICE OF TAX AND REVENUE

**NOTICE OF CHANGE IN TAX ON OTHER TOBACCO PRODUCTS
IN TAX YEAR 2018**

Pursuant to D.C. Code §47-2402.01, the District of Columbia shall provide notice of the tax rate on other tobacco products on or before September 1st of each year for the upcoming tax year that begins on October 1st. The tax for other tobacco products shall be equal to the cigarette tax and surcharge on a pack of 20 cigarettes under §47-2402 a.(1)-(2), expressed as a percentage of the average wholesale price of a package of 20 cigarettes for the March 31, preceding the September 1st announcement of the change in rates.

The Office of Revenue Analysis collected wholesale price data from the United States Department of Labor: Bureau of Labor Statistics. Based on the analysis of the data, the Office of Revenue Analysis has determined that the average wholesale price of a package of 20 cigarettes in the District as of June 19, 2017 was \$4.86, and the calculated tax applicable to other tobacco products for tax year 2018 shall be 60 percent.

Calculated Tax on Other Tobacco Products for Tax Year 2018

2017 Average Wholesale Price for a Package of 20 Cigarettes	\$4.86
Tax on a Package of 20 Cigarettes	\$2.50
Surtax on a Package of 20 Cigarettes	\$0.44
Total tax on a Package of 20 Cigarettes	\$2.94
Total Tax on a Package of Cigarettes as a Percent of Wholesale price	60%

OFFICE OF TAX AND REVENUE

**NOTICE OF INCREASE IN THE TAX YEAR 2018 SURTAX
FOR CIGARETTE PACKAGES IN THE DISTRICT OF COLUMBIA**

Pursuant to D.C. Code §47-2402(a)(3)(A), the District of Columbia shall provide notice of the appropriate calculated surtax on a package of cigarettes on or before September 1st of each year for the upcoming tax year that begins on October 1st. The calculated surtax levy shall be equivalent to a levy of the general sales tax rate in effect for the upcoming tax year.

In March 2014, the Office of Revenue Analysis collected retail sale price data on packages of 20 cigarettes from a cross section of retail outlets in the city. In years since, we used the Bureau of Labor Statistics’ Consumer Price Index (CPI) for all urban consumers’ data to compare prices of cigarettes in the current year with those of the previous year. In June 2017, we compared average cigarette prices for 2016 and 2015 and the percentage change in prices. Based on our analysis, with respect to the aforementioned legislation, the Office of Revenue Analysis has determined that the 2017 average retail sale price of a package of 20 cigarettes in the city is \$8.86, and the calculated surtax for tax year 2018 shall be \$0.44 per pack of cigarettes, up from \$0.42 for tax year 2017.

A package of cigarettes is defined as one with 20 or fewer cigarettes. However, if a package of cigarettes sold in tax year 2018 contains more than 20 cigarettes, the surtax per pack must be incrementally increased by \$0.022 per each cigarette above 20.

**Calculated Surtax on a Package of 20 Cigarettes (or Fewer)
For Tax Year 2018**

2016 Average Retail Sale Price for a Package of 20 Cigarettes	\$8.86
Less Current Surtax & Estimated Costs of Business	-\$1.26
Adjusted Average Retail Sales Price	\$7.60
Calculated Surtax (5.75% Sales Tax Equivalent) Effective October 1, 2017	\$0.44

Effective October 1, 2017, the above surtax of \$0.44 per pack of cigarettes is in addition to the cigarette excise tax of \$2.50 per pack. Thus, the total tax levy for cigarettes in the District of Columbia for tax year shall be \$2.94 per pack of 20.

THE SEED PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Design-Builder Services**

The SEED Public Charter School of Washington, D.C. is issuing this Request for Proposals to engage a Design-Builder to develop a design, and renovate the existing Annex building, located at 4300 C Street, SE, Washington, D.C. Additional specifications outlined in the Request for Proposal (RFP) may be obtained beginning on **August 18, 2017** from:

Colleen Turner
202-248-3041
cturner@seedschooldc.org

Proposals will be accepted at 4300 C Street, SE Washington, D.C. 20019 on September 21st, 2017 no later than 4:00 PM

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

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

Appeal No. 19115 of ANC 1C, pursuant to 11 DCMR §§ 3100 and 3101¹, from a June 23, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1509180 to alter, repair, and remove a cellar and install a retaining wall in the R-5-B District at premises 1636 Argonne Place, N.W. (Square 2589, Lot 460).

HEARING DATE: December 1, 2015

DECISION DATE: December 1, 2015

DISMISSAL ORDER

PRELIMINARY MATTERS

On August 17, 2015, Advisory Neighborhood Commission (“ANC”) 1C (the “Appellant”) filed this appeal with the Board of Zoning Adjustment (the “Board”). The Appellant appealed the granting of Building Permit No. B1509180 (the “Permit”) by the Department of Consumer and Regulatory Affairs (“DCRA”) to Greg Keats on behalf of District Design and Development Argonne LLC (the “Property Owner”). The permit authorized the construction of a retaining wall, embedded within the rear wall of the building, and installation of a 12% gradient in the parking space, replacing the flat grade parking space currently in existence at premises 1636 Argonne Street, N.W. (Square 2589, Lot 460) (the “Subject Property”). ANC 1C alleged that the issuance of permit B1509180 failed to correctly assess grade measurements in determining Floor Area Ratio (“FAR”), in violation of 11 DCMR § 402.4 and violates the definition of grade and its meaning in relation to basement, cellar, gross floor area (“GFA”), FAR, and rear yard in § 199. The ANC also argued that the approval of alterations in the parking plan did not comply with the Zoning Regulations. (Exhibit 1.)

The Property Owner filed a motion to dismiss on the grounds of collateral estoppel, lack of standing, and mootness. (Exhibit 21.) DCRA also filed a motion to dismiss under the legal doctrines of claim and issue preclusion. (Exhibit 22.) On December 1, 2015, after deliberating upon the motions to dismiss, the Board granted the motions on the basis that the Board has already heard and decided the issues of this appeal in Appeal No. 18980 of Concerned Citizens of Argonne Place, in which ANC 1C was a party.

¹ This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraphs, are to provisions that were in effect on the date this Application was heard and decided by the Board of Zoning Adjustment (“the 1958 Regulations”), but which were repealed as of September 6, 2016 and replaced by new text (“the 2016 Regulations”). The repeal of the 1958 Regulations has no effect on the validity of the Board’s decision or the validity of this order.

Notice of Appeal and Notice of Hearing. By memorandum dated September 2, 2015, the Office of Zoning ("OZ") provided notice of the appeal to DCRA, and specifically to the Zoning Administrator ("ZA") at DCRA, the D.C. Office of Planning, Advisory Neighborhood Commission ("ANC") 1C, the ANC within which the Subject Property is located, Single Member District 1C05, the Councilmember for Ward One, and the owner of the Subject Property. On September 8, 2015, the Office of Zoning mailed a Notice of Public Hearing to the Appellants, DCRA, ANC 1C, and the owner of the Subject Property.

Party Status. Consistent with 11 DCMR § 3199.1, the parties in this proceeding were ANC 1C ("Appellant"), DCRA, and District Design and Development Argonne LLC ("Property Owner").

ANC Report. By letter dated August 17, 2015, ANC 1C indicated that it had considered a resolution to file the instant appeal at a duly noticed public meeting, with a quorum present, and approved the resolution by a vote of 6-0. (Exhibit 16.) In the resolution, the ANC challenged the issuance of permit B1509180, alleging that the revised permit does not solve the FAR, building height, GFA and parking regulation violations that the previous permits for the Subject Property contained. In the report, ANC 1C maintained that it has unanimously passed several resolutions in support of enforcement of current zoning regulations and building codes that are specifically raised in the permits issued in 1636 Argonne Place N.W., and therefore resolves to file an appeal of B1509180.

DCRA. The Department of Consumer and Regulatory Affairs ("DCRA") filed a motion to dismiss the appeal based on claim and issue preclusion, and asserted that the Board has already heard and ruled on Appellant's appeal of Building Permit No. B1509180 in Appeal No. 18980. (Exhibit 22.) DCRA asserted that the Appellant in this Appeal was a party in Appeal No. 18980. DCRA also contended that the claims in this Appeal were raised in Appeal No. 18980, precluding the Appellant from raising these issues again in this appeal.

Property Owner. District Design and Development Argonne LLC, the owner of the Subject Property, also filed a motion to dismiss based on claim preclusion. (Exhibit 21.) The Property Owner asserted that the challenge had already been argued, considered, and decided by the Board.

FINDINGS OF FACT

1. The property is located at 1636 Argonne Place N.W. (Square 2589, Lot 460) (the "Subject Property"). The Subject Property is currently improved with a one-family dwelling.
2. The Subject Property is located in the R-5-B Zone District.
3. The Property Owner applied for a building permit to convert the dwelling into a four-unit apartment house at the Subject Property on March 5, 2014. That application, for Building Permit No. 1404813, ("Original Permit") was approved by the Zoning Division of DCRA on

March 19, 2014, and the permit was issued on September 9, 2014. The permit type was “addition alteration repair” and the description of work included “Renovation of existing single family masonry veneer structure, 1 story wood framed addition with mezzanine” and “change of use from single-family dwelling to 4-unit condo building”. (Exhibit 22D in Appeal No. 18980.)

4. Beginning in October 2014, residents living near the Subject Property, including some who later became members of the group Concerned Citizens of Argonne Place contacted DCRA staff to raise concerns about potential violations of FAR and lot occupancy limitations. (Exhibit 31 in Appeal No. 18980.)
5. On December 3, 2014, a Stop Work Order was issued on the ground that the project would exceed the maximum floor area ratio permitted in the R-5-B zone because of a recalculation of the Gross Floor Area (“GFA”) on the lower level of the building. (Exhibits 22G and 25, in Appeal No. 18980.) The Property Owner filed an application for a new building permit to revise the Original Permit to allow the installation of a retaining wall extending from the rear-building wall that would alter the rear adjacent finished grade.
6. Building Permit No. 1502210 was issued March 24, 2015, as a revision of B1404813 with “plans to reflect new grade”. (“Revised Permit”) (Exhibit 22Q in Appeal No. 18980.)
7. On February 13 2015, Appeal No. 18980 was filed by Concerned Citizens of Argonne Place to challenge the Original Permit and the Revised Permit. The appeal asserted two errors: incorrect designation of the lower level as a cellar (thus excluding this square footage from GFA and FAR) and incorrect GFA building area calculations (which affect FAR and lot occupancy determinations).
8. The Subject Property, at issue in Appeal No. 18980, was located within the jurisdiction of ANC 1C.
9. Subsection 3199.1(a)(4) of Title 11 DCMR defines the parties to a BZA appeal as including the “ANC for the area within which the property that is the subject of the appeal is located.”
10. Through a memorandum dated February 6, 2015, the Office of Zoning advised ANC 1C of the filing of the case. (Exhibit 7 in Appeal No. 18980.)
11. By report dated April 6, 2015, and with a subject line of “BZA Appeal #18980,” ANC 1C indicated that at a public meeting on April 1, 2015, it voted 6-0 to adopt a resolution in support of the appeal because the “failure to enforce zoning and building code regulations on the subject property will set a flawed precedent for similar and identical properties in Adams Morgan and other neighborhoods in the District of Columbia.” (Exhibit 18 in Appeal No. 18980.)

12. In its report, ANC 1C authorized Commissioner Alan Gambrell to represent the ANC before the Board in the proceeding for Appeal No. 18980.
13. The Zoning Administrator subsequently made a site visit to the Subject Property and discovered that the Revised Permit was in violation of the Zoning Regulations.
14. After a second Stop Work Order was placed on the Subject Property on May 20, 2015, the Property Owner submitted a new building permit application to further amend the Revised Permit.
15. Building Permit No. B1509180 was issued on June 23, 2015. (“Second Revised Permit”)(Exhibit 3). The Building Permit lists the description of work as “revision to B1404813 to remove approximately 73 square feet of cellar and install retaining wall.”
16. On June 25, 2015, Concerned Citizens of Argonne Place submitted a Revised Pre-Hearing Statement to include claims regarding the Second Revised Permit in Appeal No. 18980. The statement alleged that Permit No. B1509180 incorrectly designated the lower level as a cellar, impermissibly altered the building height, disregarded the interrelationship of zoning definitions, incorrectly calculated GFA, and violated multiple parking regulations. (Exhibit 31 in Appeal No. 18980.)
17. The Board heard Appeal No. 18980 on July 7, 2015 and decided the case on July 7 and September 15, 2015. Commissioner Alan Gambrell participated in the public hearing as the representative of the Appellants and as the authorized representative of ANC 1C.
18. With regard to the Second Revised Permit claims, the Board found that the lower level would be a cellar under the definition of that term in § 199.1; the lower level would not be included in the calculation of GFA or FAR, in keeping with the definitions of those terms in § 199.1. The Board further held that the parking area of the Subject Property may be provided at a maximum grade of 12% in accordance with § 2117.8 because the Board did not find that the minimum size requirement precludes the approval of a 12% grade, specifically permitted for a driveway, to a parking area as well.
19. The Board’s decision was memorialized in an order dated July 13, 2016. (Exhibit 47 of Appeal No. 18980.)
20. ANC 1C filed the current appeal of the Second Revised Permit with the Office of Zoning on August 17, 2015.
21. In the current appeal, ANC 1C alleges that, in approving Permit No. B1509180, the ZA erred by incorrectly designating the lower level as a cellar; disregarding Zoning Regulations for determination of lower level FAR; and creating multiple non-compliant parking conditions with the installation of a 12% grade parking slope. (Exhibit 1.)

CONCLUSIONS OF LAW

The Board is authorized by § 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. Under the legal doctrines of claim and issue preclusion, “once a claim has been fully adjudicated, the doctrine of claim preclusion, or *res judicata*, prevents the same parties from relitigating the same claim, including any issue that either was or might have been raised in the first proceeding. The doctrine of issue preclusion prevents the same parties from relitigating an issue actually decided in a previous, final adjudication, whether on the same or a different claim.” *Rhema Christian Center v. District of Columbia Board of Zoning Adjustment*, 515 A.2d 189, 194 (D.C. 1986).

Both DCRA and the Property Owner filed motions to dismiss on the grounds of *res judicata* based on prior proceedings in Appeal No. 18980. The Board is barred from consideration of an appeal by the doctrine of *res judicata* when it finds that: (1) the parties are the same, and (2) the claims are the same. If the Board finds that both criteria are met, it must dismiss the appeal. For reasons stated below, the Board finds that *res judicata* bars it from considering the appeal at hand.

Regarding the first criterion, the Board finds that the parties are the same in the prior and current appeals. In Appeal No. 18980, the parties were the Concerned Citizens of Argonne Place, DCRA, ANC 1C, and the Property Owner. In this case, the parties are the ANC 1C, DCRA, and the Property Owner. ANC 1C argued that it was not a party in Appeal No. 18980 because Concerned Citizens of Argonne Place, not ANC 1C, was the Appellant in that appeal. The ANC argued that, because it did not request party status in that proceeding, it cannot be considered a party for the purpose of claim preclusion. However, there is no need for the ANC within which a subject property is located to request party status because, as noted in the findings of facts, such an ANC is an automatic party. The ANC clearly understood its status as an automatic party, as it authorized Commissioner Alan Gambrell to represent ANC 1C in the proceedings for Appeal No. 18980. Gambrell actively participated in the public hearing for Appeal No. 18980, both as a representative of the Appellant and as the authorized representative of ANC 1C. The Board finds that the first part of the criteria for *res judicata* is met.

The second and final criterion of the *res judicata* test is that the claims raised in the appeal must be the same. In Appeal No. 18980, the Appellant’s claims with regard to the Second Revised Permit were that there is an incorrect designation of lower level as cellar for FAR, the decision to grant the permit represents a disregard of Zoning Regulations for determination of lower level FAR, and multiple non-compliant parking conditions were created with safety problems by the installation of a 12% grade parking slope. (Exhibit 31 in Appeal No. 18980.) In this case, the Appellant raises the same arguments and requests that the Board review the same alleged defects with the Second Revised Permit. Specifically, the Appellant argues that the ZA disregarded the Zoning Regulations for determination of lower level FAR, incorrectly designated the lower level

as cellar for FAR, approved multiple noncompliant parking conditions, and approved a 12% gradient contrary to the requirement for parking spaces to be accessible. (Exhibit 1.) Accordingly, the Board finds that the claims raised in this appeal were raised in Appeal No. 18980, and this criterion is met.

The Board is required to give “great weight” to the issues and concerns raised by the affected ANC in its written report. 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)). The great weight requirement only “extends only to those issues and concerns that are ‘legally relevant.’” *Wheeler v. Board of Zoning Adjustment*, D.C. App., 395 A.2d 85, 91 n.10 (1978); *Bakers Local Union No. 118 v. D.C. Bd. of Zoning Adjustment*, 437 A.2d 176, 179 (D.C. 1981). The ANC 1C’s resolution in this case raises issues already adjudicated by the Board, and for the reasons explained above, are no longer legally relevant.

Based on the findings of fact, the Board concludes that the Board has already heard and decided the issues of the current appeal in Appeal No. 18980. Accordingly, it is hereby **ORDERED** that the appeal is **DISMISSED**.

VOTE: 3-0-2 (Marnique Y. Heath, Frederick L. Hill, and Robert E. Miller to Dismiss; Jeffrey L. Hinkle not present, not voting; one Board seat vacant).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

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

FINAL DATE OF ORDER: August 4, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 05-40C
Z.C. Case No. 05-40C
(Wesley Theological Seminary of the United Methodist Church)
(Minor Modification of Campus Plan @ Square 1600)
July 10, 2017

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on July 10, 2017. At the meeting, the Commission approved an application of the Wesley Theological Seminary of the United Methodist Church (“Wesley” or “Applicant”), for a minor modification of Condition No. 5 of its current Campus Plan (“Campus Plan”) to permit an increase in the amount of housing to be leased to non-Wesley graduate students for a limited time period in the RA-1 zone at 4500 Massachusetts Avenue, N.W. (Square 1600, Lots 6, 7, 8, and 9) (“Property”). Because the modification was deemed minor, a public hearing was not conducted. The minor modification request was made pursuant to § 703.2 of the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

SUMMARY ORDER

The Applicant filed a minor modification application with the Commission on June 9, 2017 (and submitted a revised application on June 15, 2017), for a minor modification of Condition No. 5 of its current Campus Plan (Z.C. Order No. 05-40B (August 17, 2016)), pursuant to 11-Z DCMR § 703.2.

The Commission approved the establishment of the Wesley Campus Plan in 2006, subject to conditions, pursuant to Z.C. Order 05-40. In 2012, the Commission approved Z.C. Order No. 05-40A which allowed a modification of Wesley’s original Campus Plan (2006-2015) and a further processing of the Campus Plan to permit construction of a new three-story residence hall with 76 beds and lower-level central plant facilities located on the western portion of the Campus near University Avenue. The Amended Campus Plan was approved to December 31, 2025.

In 2016, the Commission modified the Campus Plan and approved, among other things, a modification to shorten the time period of the Campus Plan to be valid until December 31, 2019, pursuant to Z.C. Order No. 05-40B. In addition, Condition No. 5 was further modified so that in the event that any of the student housing provided for in Straughn Hall was not needed to house Wesley students, the amended Campus Plan allowed the Applicant to: 1) allow Straughn Hall to be leased and occupied by no more than 55 non-Wesley graduate students through May 31, 2019; and 2) prohibited Wesley students from being denied housing to allow for non-Wesley graduate students.

Condition No. 5, which allows a certain number of non-Wesley graduate students to live in Wesley housing, is the subject of the minor modification.

There has been a decline in admission (reduction of tuition revenue) and reduced demand for on-campus housing for Wesley students. The requested minor modification will allow a total of 67 non-Wesley graduate students to reside in Wesley's on-campus housing through December 31, 2019, when the current Campus Plan expires. The minor modification will fill vacant beds and provide much needed financial support to Wesley and its sustainability in its current location; it will also accommodate the strong unmet demand for convenient and affordable housing to non-Wesley graduate students in the area.

Wesley is located within the jurisdiction of ANC 3D and borders ANC 3E. ANC 3D and ANC 3E were automatically parties to this case, and ANC 3D submitted a report in support of the minor modification. The single member district commissioner of ANC 3D also submitted a letter in support. The Spring Valley-Wesley Heights Citizens Association ("SV-WHCA") and Neighbors for A Livable Community ("NLC"), jointly submitted a letter in support. SV-WHCA was granted party status in the original proceeding and therefore was allowed to file a response to the minor modification application. No one opposed the application. The Office of Planning ("OP") submitted a report indicating no objection to the requested modification and recommended approval.

Based on the record before the Commission, and having given great weight to the OP and ANC reports, and having considered the support of SV-WHCA and NLC, the Commission determined that the minor modification did not change the material facts upon which the Commission based its original approval of the application and granted the request for the minor modification at a public hearing pursuant to 11Z DCMR § 703.2 and § 703.17(b).

The Commission further determined that since the decision is not adverse to any party, a summary form of order, instead of an order accompanied by findings of fact and conclusions of law, may be used pursuant to 11-Z DCMR § 604.7.

It is, therefore, **ORDERED** that the application is **APPROVED** and the Campus Plan is hereby modified so that the following **CONDITION NO. 5**, as stated in Z.C. Order No. 05-40B, is revised as follows (revisions appear in **bold** text):

5. The Applicant shall provide a maximum of 172 beds during the term of the Campus Plan. In the event any of the student housing in Straughn Hall ("Straughn Housing"), **Carroll Hall ("Carroll Housing")**, or the **New Residential Building ("New Housing")** is not needed to house Wesley students:
 - a. Applicant may allow the Straughn Housing to be leased and occupied by not more than fifty-five (55) non-Wesley graduate students through **December 31, 2019**;
 - b. **Applicant may allow the Carroll Housing to be leased and occupied by not more than six (6) non-Wesley graduate students through December 31, 2019**;

- c. **Applicant may allow the New Housing to be leased and occupied by not more than twenty-six (26) non-Wesley graduate students through December 31, 2019;**
- d. No Wesley students shall be denied housing to allow for housing of non-Wesley graduate students; **and**
- e. **Applicant will not sell or lease any part of the Wesley Campus to the American University for university use during the term of the current Wesley Campus Plan ending on December 31, 2019.**

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.1 et seq. (the “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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violations will be subject to disciplinary action.

On July 10, 2017, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on August 18, 2017.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

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