

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on Bill 22-0524, Maternal Mortality Review Committee Establishment Act of 2017
- D.C. Council reconvenes a public oversight roundtable on the “Department of Consumer and Regulatory Affairs: Permitting Services and Illegal Construction”
- Department of Energy and Environment extends the public comment period for the Proposed Water Quality Standards – 2016 Triennial Review
- Department of For-Hire Vehicles amends funding availability for multiple transportation programs
- Department of Health Care Finance announces funding availability for developing telehealth services for health care providers and residents in Wards 7 and 8
- D.C. Public Schools schedules a public hearing on the Fiscal Year 2019 Budget
- Office of the State Superintendent of Education solicits applications from child development centers interested in joining the Neighborhood-Based Quality Improvement Network (QIN)

# DISTRICT OF COLUMBIA REGISTER

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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## ENROLLED ORIGINAL

## A RESOLUTION

21-669

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To approve the extension of the time limit for the disposition of certain District-owned real property located at 901 Fifth Street, N.W., and known for tax and assessment purposes as Lot 59 in Square 516.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fifth Street, N.W., and I Street, N.W., Disposition Extension Approval Resolution of 2016”.

Sec. 2. (a) Pursuant to section 1(d) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(d)), the Mayor transmitted to the Council a request for approval of additional time for the disposition of certain real property located at 901 Fifth Street, N.W., and known for tax and assessment purposes as Lot 59 in Square 516 (“Property”), which disposition was approved by the Council pursuant to the Fifth Street, N.W., and I Street, N.W., Disposition Approval Emergency Act of 2014, effective December 23, 2014 (D.C. Act 20-543; 62 DCR 240) (the “Fifth Street, N.W., and I Street N.W., Emergency Act”).

(b) The Mayor transmitted a detailed status report on efforts made to dispose of the Property, as well as the reasons for the inability to dispose of the Property within the time period authorized by the Fifth Street, N.W., and I Street N.W., Emergency Act.

(c) The Council approves the additional time requested by the Mayor to dispose of the Property and extends the time period to December 23, 2018.

Sec. 3. Sense of the Council.

(a) A condition of the disposition referenced in section 2 is a requirement that the developer of 901 Fifth Street, N.W., obtain the necessary building permits to commence construction of approximately 61 affordable housing units at 2100 Martin Luther King, Jr. Avenue, S.E. This off-site project ("Affordable Housing Project") is located within the Anacostia Historic District and therefore requires approval by the Historic Preservation Review Board (“HPRB”). The HPRB, however, has approved less density than would allow for the construction of 61 affordable units. The developer estimates that only 40-45 affordable units can be built based on the density approved by the HPRB.

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(b) It is the sense of the Council that the commencement of construction of a major mixed-use project at 901 Fifth Street, N.W., should not be delayed further over the inability to construct 16-21 affordable housing units, given that 40-45 units presently can be built.

(c) It is the sense of the Council that the Executive should allow the disposition to proceed subject to a different condition. Rather than condition closing on the Land Disposition Agreement for the 901 Fifth Street, N.W., parcel on the developer obtaining the building permits needed to commence construction on the Affordable Housing Project, a different condition should be imposed, such as withholding issuance of a certificate of occupancy to use the new development at 901 Fifth Street, N.W. until building permits for all 61 affordable units have been issued.

(d) Finding an alternative condition that still requires the 61 affordable units, with no change in the levels of affordability, but permits the redevelopment of 901 Fifth Street, N.W., to proceed would enable the District government to obtain all of the goals of this disposition while minimizing any further loss of time.

Sec. 4. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-707

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 20, 2016

To approve the extension of the time limit for the disposition of certain District-owned real property located at the northeast corner of 19th Street, S.E., and Massachusetts Avenue, S.E., and known as Parcels F-1 and G-1 in Square E-1112.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Extension Approval Resolution of 2016”.

Sec. 2. (a) Pursuant to section 1(d) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(d)), the Mayor transmitted to the Council a request for approval of additional time for the disposition of certain real property located at the northeast corner of 19th Street, S.E., and Massachusetts Avenue, S.E., known as Parcels F-1 and G-1 in Square E-1112, and known for tax and assessment purposes as Lots 3 and 5 in Square E-1112. The Council approved the initial disposition pursuant to the Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Disposition Approval Emergency Act of 2014, effective December 29, 2014 (D.C. Act 20-547; 62 DCR 252) (the “Hill East Emergency Act”).

(b) The Mayor transmitted a detailed status report on efforts made to dispose of the Property within the time period authorized by the Hill East Emergency Act.

(c) The Council approves the additional time requested by the Mayor to dispose of the Property and extends the time period to December 29, 2017.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-717

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 20, 2016

To approve the disposition of District-owned real property bounded by South Dakota Avenue, N.E., Riggs Road, N.E., and Lot 22 in Square 3760.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “South Dakota Avenue Riggs Road Excess Property Disposition Approval Resolution of 2016”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) (“CBE Act”).

(2) “First Source Agreement” means an agreement with the District governing certain obligations of the developer of the Property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

(3) “Property” means the real property bounded by South Dakota Avenue, N.E., Riggs Road, N.E., and Lot 22 in Square 3760.

Sec. 3. Findings.

(a) The developer of the Property shall be FT Associates LLC, a Delaware limited liability company, with a business address c/o EYA Development, LLC, 4800 Hampden Lane, Suite 300, Bethesda, Maryland 20814, comprised of affiliates of JBG Associates, LLC, a Delaware limited liability company, with a business address of 4445 Willard Avenue, Suite 400, Chevy Chase, Maryland 20815 and EYA Development, LLC, a Maryland limited liability company, with a business address c/o EYA Development, LLC, 4800 Hampden Lane, Suite 300, Bethesda, Maryland 20814, and its successors or assigns as approved by the Mayor (collectively, the “Developer”).

(b) The Property consists of a vacant, triangular lot of approximately 97,473 square feet in total land area.

## ENROLLED ORIGINAL

(c) The intended use of the Property is as a mixed-use development that includes affordable housing, market-rate housing, commercial space, and any ancillary uses allowed under applicable law, as further described in the term sheet submitted to the Council for consideration with this resolution (the "Project").

(d) The Developer shall comply with the requirements of section 1(a-3) of An Act Authorizing the sale of certain real estate no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-3)).

(e) The Developer shall enter into an agreement that requires the Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract-dollar volume of the Project, and requires, in accordance with section 2349a of the CBE Act (D.C. Official Code § 2-218.49a), at least 20% equity and 20% development participation of Certified Business Enterprises.

(f) The Developer shall enter into a First Source Agreement.

(g) Pursuant to An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*) ("Act"), the proposed method of disposition is a fee simple transfer under section 1(b)(8)(F) of the Act.

(h) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act (D.C. Official Code § 10-801(b-1)) shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act (D.C. Official Code § 10-801(b-1)(2)).

#### Sec. 4. Approval of disposition.

(a) Pursuant to the Act, the Mayor transmitted to the Council a request for approval of the disposition of the Property to the Developer.

(b) The Council approves the disposition of the Property.

#### Sec. 5. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor.

#### Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

#### Sec. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-191

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To commemorate Garden Memorial Presbyterian Church, located at 1720 Minnesota Avenue, S.E., on its 125th anniversary for its many accomplishments and achievements in the District of Columbia.

WHEREAS, in February 1889, the Anacostia Presbyterian Sabbath (Sunday) School was started by William B. Garden, Alexander. Davidson, Jane Davidson, and Alexander B. Garden in the Masonic Hall on 14th Street, S.E., in Anacostia, then known as “Union Town”;

WHEREAS, in 1892, Alexander Garden donated land to the members of the Sabbath School for a church building;

WHEREAS, on November 6, 1892, the Washington City Presbytery organized Garden Memorial Presbyterian Church, named in memory of Alexander Garden;

WHEREAS, an addition to the church was built to include a nursery school for members and the community at affordable rates, space for Bible Study, and expand the Sunday school;

WHEREAS, over the years Garden Memorial Presbyterian Church has served the community by providing religious services;

WHEREAS, the Garden Memorial Presbyterian Church established a community clothing and food pantry, delivered cans of soup, vegetables, and fruit to the community’s sick and shut-in, and distributed, with our sister church, Immanuel Presbyterian Church, Thanksgiving and Christmas turkey baskets, Christmas toys, and gifts donated by Immanuel Presbyterian Church;

WHEREAS, the Garden Memorial Presbyterian Church has participated in the “I Have A Dream Program” (funding and tutoring through college/trade school) sponsored by Immanuel Presbyterian Church, in selecting the entire 6th grade graduating class from Ketcham Elementary School and providing space, volunteers for tutoring and lunch, and school supplies;



**ENROLLED ORIGINAL**

WHEREAS, the Garden Memorial Presbyterian Church assisted with temporary housing by supplying space and sleeping carts to students from Russia on tour in the Washington, D.C., metropolitan area and coordinated community organizations and merchants to feed the students;

WHEREAS, the church adopted a community family shelter to provide food and clothing and supplied toiletries and assistance with uniform accessories for homeless students at Anacostia High School;

WHEREAS, the Garden Memorial Presbyterian Church provided computer and piano lessons to community and awarded piano keyboards to the attendees;

WHEREAS, the church established a Youth Community Choir, dance ensemble, thespian, arts, and crafts programs, and an apprenticeship program for youth to learn how to do the work of the church;

WHEREAS, the Garden Memorial Presbyterian Church has recognized, by way of a brunch and awarding certificates, members of the community who had worked to empower the community;

WHEREAS, the Garden Memorial Presbyterian Church has produced Black History plays annually that have been open to the community and provided a Black Hall of Fame, which included black inventors, first blacks, books, artifacts, and the history of slavery to the present;

WHEREAS, the Garden Memorial Presbyterian Church has coordinated a multi-religious panel of pastors to assist in the fight against drugs;

WHEREAS, the Garden Memorial Presbyterian Church has initiated the development of a neighbor patrol that later became known as the Orange Hat Program;

WHEREAS, the Garden Memorial Presbyterian Church has assisted the criminal justice system, high schools, and colleges with space, refreshments, and assignments to allow for the completion of community services requirements;

WHEREAS, the Garden Memorial Presbyterian Church has provided forums to address incarceration and how to help former inmates returning to the community;

WHEREAS, the Garden Memorial Presbyterian Church has provided a meeting space for civil associations, Boy Scouts, the Orange Hat Program, and organizations dealing with incarcerated persons returning home, and provided space for Kramer and Anacostia students to receive prayer before school;

**ENROLLED ORIGINAL**

WHEREAS, the Garden Memorial Presbyterian Church has provided space, a pastor, choir, and volunteers for funerals and repasts for the indigent; and

WHEREAS, Garden Memorial Presbyterian Church has contributed greatly to Wards 6, 7, and 8 communities and has been providing spiritual guidance and community service for 125 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “125th Anniversary of Garden Memorial Presbyterian Church Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Garden Memorial Presbyterian Church, located at 1720 Minnesota Avenue, S.E., on its 125th anniversary.

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

22-192

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize Bishop Dr. Edward Barnett on the occasion of his 26th church anniversary.

WHEREAS, Bishop Dr. Edward Barnett is the founder of Greater Grace Family Ministries and has served for 26 years;

WHEREAS, Bishop Dr. Edward Barnett has traveled internationally as a preacher, and has also taught pastors in Kenya, Africa;

WHEREAS Bishop Dr. Edward Barnett is a father of 3 and has been married for 31 years;

WHEREAS, Bishop Dr. Edward Barnett has earned 2 PhDs, 2 Masters Degrees, and 2 advanced studies degrees;

WHEREAS, Bishop Dr. Edward Barnett has served as a Director in Mental Health organizations in Washington, D.C. for 29 years;

WHEREAS, Bishop Dr. Edward Barnett has also been a radio producer and host for 3 years at WeAct Radio and WBGR;

WHEREAS, Bishop Dr. Edward Barnett was elevated to Bishop in 2013;

WHEREAS, he is the author of “Living Wittingly” and is in the process of writing 2 other books, “Threats to Marriage” and Mental Health in the Church”; and

WHEREAS, Bishop Dr. Edward Barnett was recently interviewed on Christian TV in Atlanta, Georgia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Bishop Dr. Edward Barnett Recognition Resolution of 2017”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes Bishop Dr. Edward Barnett on the occasion of his 26th church anniversary.

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

22-193

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and honor the Dupont Circle Citizens Association for its many contributions to the citizens and the city of Washington, D.C., congratulate it on its 50th Anniversary House Tour, and declare October 15, 2017, as “Dupont Circle Citizens Association House Tour Day” in the District of Columbia.

WHEREAS, Dupont Circle Citizens Association was founded in 1922 in a townhouse at 1767 P Street, N.W., to promote and protect the interests of residents;

WHEREAS, for 95 years, the Dupont Circle Citizens Association has been the premier civic and residential organization in the Dupont Circle neighborhood;

WHEREAS, for 50 years, the Dupont Circle Citizens Association House Tour has proudly showcased neighborhood homes and buildings in the Dupont Circle neighborhood;

WHEREAS, Dupont Circle Citizens Association House Tours encourage community participation and promote neighborhood interest and historic preservation; and

WHEREAS, the House Tour annually involves some 300 volunteers who give their time and talents to make this event possible.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COMUNBIA, That this resolution may be cited as the “Dupont Circle Citizens Association 50th Annual House Tour Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors the Dupont Circle Citizens Association’s 50th Annual House Tour and declares October 15, 2017, as “Dupont Circle Citizens Association House Tour Day” 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

22-194

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

The Council of the District of Columbia is proud to recognize, honor, and congratulate Thomas H. Quinn on the occasion of his 80<sup>th</sup> birthday, and declares December 17, 2017, as Thomas H. Quinn Day in the District of Columbia.

WHEREAS, Thomas (“Tom”) H. Quinn has been a resident of Georgetown for over 50 years;

WHEREAS, Tom Quinn is always included in and near the top of all lists naming Washington, D.C.’s most effective and powerful lobbyists;

WHEREAS, Tom Quinn is a distinguished graduate of Georgetown University Law School;

WHEREAS, Tom Quinn has been the recipient of 4 presidential appointments;

WHEREAS, Tom Quinn has participated in 15 presidential elections;

WHEREAS, Tom Quinn always looks for the entertainment value in politics and politicians;

WHEREAS, Tom Quinn can always get a table at Café Milano; and

WHEREAS, Tom Quinn will celebrate his 80th birthday on December 17, 2017.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Thomas H. Quinn Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia wishes Tom Quinn a very happy 80<sup>th</sup> birthday and declares December 17, 2017, as “Thomas H. Quinn Day” 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

22-195

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize Therrell Camille Smith for the centennial celebration of her birthday and her life of service, with ceaseless caring and love, for the youth of Washington, D.C., and declares November 5, 2017, as “Therrell Camille Smith Centennial Birthday Celebration Day” in the District of Columbia.

WHEREAS, Therrell Camille Smith was born on November 5, 1917, in Washington, D.C., to a loving family, renowned physician Dr. Thomas C. Smith and his wife, Birdie, and was the 2nd of 5 daughters;

WHEREAS, early on, and throughout her childhood, her parents were her most influential role models, instilling a committed sense of purpose and education toward a fully rewarding and successful life;

WHEREAS, Therrell Smith graduated from Fisk University in 1939 with a major in Sociology, and a minor in History, and, in 1940, completed further study in portraiture at the New York School of Photography;

WHEREAS, in 1941, Therrell Smith made permanent her return to Washington, D.C., following the passing of her mother, to assist her father in the raising of her young siblings, Johanna, 14, Marion, 12, and Melva, 10;

WHEREAS, in 1942, Therrell Smith began a long relationship as head counselor and dance and drama instructor for girls at Camp Atwater, located in North Brookfield, Massachusetts;

WHEREAS, since 8 years of age, Therrell Smith has studied ballet, and knew that she wanted her own ballet studio;

WHEREAS, immediately after college graduation, Therrell Smith employed her dance experience as an instructor in Wisconsin, and, upon her return to Washington, D.C., she taught dance to young students at her LeDroit Park Nursery School, established by her eldest sister;

## ENROLLED ORIGINAL

WHEREAS, during this time, Therrell Smith dedicated herself to further study in classical ballet at the Ballet Arts School at Carnegie Hall in New York City, and in Paris, under the guidance of Russian *prima ballerina assoluta* Princess Mathilde Kschessinska;

WHEREAS, Therrell Smith realized her dream in 1948 by opening her own dance studio in the District of Columbia, now on the cusp of its 70<sup>th</sup> anniversary, in 2018;

WHEREAS, Therrell Smith has provided dance instruction to thousands of students throughout Washington, D.C., emphasizing poise and etiquette, balancing body-awareness and physical activity, and infusing a devotion to the arts.;

WHEREAS, her students have gone on to international success, such as in New York, with the Dance Theatre of Harlem, Howard University, and in locations such as Los Angeles and the Fiji Islands;

WHEREAS, Therrell Smith developed the Thomas and Birdie C. Smith Arts Foundation (“Foundation”) in 1974, with her sister, Mathilde Smith Gray, to honor her parents’ love for the arts and fostering educational opportunities for Washington, D.C. city youth, has served as the Foundation’s sole Executive Director, firmly cementing the Foundation’s vast legacy;

WHEREAS, Mrs. Gray served as the President of the Foundation’s board of directors until her passing in 2001;

WHEREAS, in schools and churches throughout the District of Columbia, there has been a large canvas painted with opportunity for these children, including dance and physical fitness instruction and exposure to the arts, with museum visits, attendance at music and dance performances, a Beautillion to celebrate the academic achievements of young men graduating from high school, and scholarships to deserving graduates going on to further their dance and choreography disciplines; and

WHEREAS, Therrell Smith has lived a century, and we gather to recognize and celebrate her vast accomplishments her mastery of ballet and dance, her instruction, and her unabashed love and caring for the welfare of all children with grace and dignity.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Therrell Camille Smith Centennial Birthday Celebration Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Therrell Smith’s legendary accomplishments in dance, education, and the arts exposure to the youth of Washington, D.C. by her family, many friends, students, and the Thomas and Birdie C. Smith



**ENROLLED ORIGINAL**

Arts Foundation Board of Directors. Therrell Smith embodies the very vibrancy, congeniality, and respectability that makes our Nation's Capital special. The Council of the District of Columbia declares November 5, 2017, as "Therrell Camille Smith Centennial Birthday Celebration Day" 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

22-196

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize Ernest Green for his courage and historic contribution to society as a member of the “Little Rock Nine”.

WHEREAS, Ernest Green was born in Little Rock, Arkansas on September 22, 1941;

WHEREAS, Ernest Green is a longtime resident of the District of Columbia and currently resides in Ward 4;

WHEREAS, on September 25, 1957, Ernest Green was one member of the “Little Rock Nine”, a group of 9 African-American students who bravely desegregated Little Rock Central High School in the face of hatred, opposition, and violence;

WHEREAS, as a member of the “Little Rock Nine”, Ernest Green persevered despite daily verbal and physical threats;

WHEREAS, on May 25, 1958, Ernest Green became the first African-American graduate of Little Rock Central High School;

WHEREAS, Ernest Green received a Bachelor of Arts degree and a Master of Arts degree from Michigan State University;

WHEREAS, Ernest Green received honorary doctorates from Michigan State University, Tougaloo College, Central State University, and the University of Arkansas;

WHEREAS, under President Jimmy Carter, Ernest Green served as the Assistant Secretary of Housing and Urban Affairs;

**ENROLLED ORIGINAL**

WHEREAS, Ernest Green was listed in Black Enterprise Magazine's 2006 list of the "75 Most Powerful Blacks on Wall Street";

WHEREAS, Ernest Green is the recipient of several prestigious awards and honors, such as the Distinguished Eagle Scout Award, the NAACP Spingarn Medal, the Rockefeller Public Service Award, and the Congressional Gold Medal; and

WHEREAS, September of 2017 marked 60 years since Little Rock Central High School was integrated, but the legacy of the "Little Rock Nine" remains powerful.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ernest Green Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes Ernest Green's valor and lasting impact on the history of our nation.

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

22-197

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare October 10, 2017, as “World Mental Health Day” in the District of Columbia.

WHEREAS, mental health is a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community;

WHEREAS, mental health does not discriminate on the basis of gender, sexual identity, socio-economic status, or race;

WHEREAS, depression, specifically, is one of the most common mental illnesses in the United States and research suggests it is caused by a combination of genetic, biological, environmental, and psychological factors

WHEREAS, one in 5 of the world’s children and adolescents have mental illness or problems and half of all mental illness signs show before 14 years of age;

WHEREAS, one in 4 adults will experience mental health difficulties;

WHEREAS, 800,000 people commit suicide every year and it is the second-leading cause of death in those 15 years through 29 years of age;

WHEREAS, despite the existence of effective treatments for mental illness, there continues to be a belief that those effected are untreatable, and that people with mental illnesses are difficult, not intelligent, or incapable of making decisions;

WHEREAS, more than 70% of people with mental illness actively conceal their mental illness from others;

WHEREAS, mental illness continues to be driven into the shadows by stigma, prejudice, fear of disclosing an affliction because a job may be lost, social standing ruined, or simply because health and social support services are not available or are out of reach of for the afflicted families;

**ENROLLED ORIGINAL**

WHEREAS, shortages of psychiatrists, psychiatric nurses, psychologists, and social workers are among the main barriers of providing treatment and care in low- and middle-income families;

WHEREAS, the World Federation for Mental Health (“WFMH”) is an international organization founded in 1948 to advance the prevention of mental and emotional disorders, the proper treatment and care of those with such disorders, and the promotion of mental health, and WFMH established World Mental Health Day on October 10, 1992 to draw attention to the importance of mental health and increase public education and advocacy; and

WHEREAS, October 10, 2017 will mark the 25<sup>th</sup> anniversary of World Mental Health Day and this year’s theme “Mental Health in the Workplace”.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “World Mental Health Day Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the importance of heightening discussion, gaining access to treatment, and ending the stigma with mental health 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

22-198

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize the Public Service Commission of the District of Columbia’s 2017 Winter Ready DC Campaign, which encourages District residents to prepare for the upcoming winter weather conditions.

WHEREAS, the District of Columbia citizens can suffer during severe winter weather conditions such as extremely cold temperatures, ice or heavy rain storms, and blizzard conditions with blinding snow, strong winds, severe drifting, dangerous wind chill, and heavy accumulations of snow;

WHEREAS, severe winter weather can cause power outages and interruptions in electric, telecommunications, and natural gas services, affecting Districts residents, businesses, and governments;

WHEREAS, winter weather can lead to injury and death from cold exposure, over-exertion or heart attacks related to snow removal, traffic accidents on icy roads, fallen trees, downed power lines, and fires and carbon monoxide poisoning caused by improper indoor use of heat sources;

WHEREAS, because winter heating costs consume a large portion of a household’s budget, District residents should have an “Energy Preparedness Plan” that includes conducting a home energy audit, winterizing their homes by finding and eliminating any leaks, adding insulation where needed, servicing their heating system, and using energy efficient light bulbs;

WHEREAS, District residents can reduce their overall energy costs by keeping meters and vents clear of snow, using a programmable thermostat, and where income-eligible, enrolling in utility discount programs;

WHEREAS, when replacing appliances, District residents are encouraged to purchase energy efficient appliances that use less energy than the standard models;

WHEREAS, community planning and preparation can prevent the loss of life, property, and hardship if precautionary steps are taken before severe weather occurs and by following appropriate measures during and after winter storms;

**ENROLLED ORIGINAL**

WHEREAS, the Public Service Commission Winter Ready DC Campaign will encourage District residents, through education and outreach efforts, to create an “Energy Preparedness Plan” for their homes during the winter season;

WHEREAS, Winter Ready DC will encourage District residents to prepare emergency supply kits for their homes and vehicles including blankets, flashlights, water, first aid kits, non-perishable food, back-up batteries for telephones and battery chargers for mobile devices and laptops, and to check on neighbors, especially the elderly individuals with physical or mental health disabilities, or individuals who live alone; and

WHEREAS, Winter Ready DC promotes integration of efforts across all levels of government, utility service providers, businesses, and residents to ensure that the community is aware of available resources during winter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Service Commission’s Winter Ready DC Campaign Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the Winter Ready DC Campaign 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

22-199

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and honor the Capitol Hill Jazz Foundation as it celebrates its inaugural annual event, Hill Fest, and to declare October 4 through October 7, 2017, as “Capitol Hill Jazz Week” in the District of Columbia.

WHEREAS, the Capitol Hill Jazz Foundation celebrates its first year by hosting the inaugural Hill Fest;

WHEREAS, the Capitol Hill Jazz Foundation’s mission is to serve the Washington, D.C. jazz community by providing a weekly jam session, an annual jazz festival, and arts advocacy on behalf of District of Columbia jazz musicians;

WHEREAS, the Capitol Hill Jazz Foundation’s vision is to financially assist Washington, D.C.-based jazz musicians, venues, and jazz education programs; and

WHEREAS, Hill Fest serves as the Capitol Hill Jazz Foundation’s leading annual event, bringing together musicians, community leaders, and policy professionals to address policy concerns that directly affect musicians at the local and national levels.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Capitol Hill Jazz Foundation Jazz Week Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia acknowledges and honors the Capitol Hill Jazz Foundation for hosting a dynamic educational event, and declares October 4 through October 7, 2017, as “Capitol Hill Jazz Week” 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

22-200

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To honor and recognize Alice Kelly for her service to the District of Columbia and for her leadership at the District Department of Transportation for over 14 years.

WHEREAS, Alice Kelly, a native Washingtonian, is a graduate of the University of Mary Washington in Virginia, and received her master’s of public administration from The George Washington University in Washington, D.C.;

WHEREAS, Alice Kelly began her service to the District in 1986 as an Advisory Neighborhood Commissioner for Advisory Neighborhood Commission 1D where she served for 6 years, and later she worked as a staffer for the Ward 1 member of the Council of the District of Columbia;

WHEREAS, Alice Kelly played a critical role in policy development pertaining to public space in the District at the District Department of Transportation (“DDOT”) for 14 years;

WHEREAS, Alice Kelly was instrumental in generating revenue for the District by managing bus shelter advertising and ensuring the successful launch and growth of mobile roadway vending in public space;

WHEREAS, Alice Kelly led an interagency group responsible for reforming outdoor advertising in the District and improved the permitting of sidewalk cafés to balance public and private needs;

WHEREAS, Alice Kelly contributed to cutting-edge transportation initiatives, including the District’s first-ever car-sharing program, and the District’s and the Nation’s first large-scale bicycle sharing program; and

WHEREAS, Alice Kelly took a hands-on approach to policy implementation at DDOT, as she demonstrated by learning to make street signs, training as a public space inspector, and even driving a snow plow.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA That this resolution may be cited as the “Alice Kelly Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia honors and recognizes Alice Kelly’s valuable contributions to transportation in the District of Columbia and her tireless dedication to improving the lives of District residents. The Council thanks her for her work and congratulates her for her achievements.

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

22-201

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and honor Jerome Peter Phenious, an integral part of the Kingman Park neighborhood and the broader Ward 6 community.

WHEREAS, Jerome Peter Phenious is a long-time resident of the District of Columbia and Ward 6, currently living on the 1500 block of Isherwood Street, N.E.. in Kingman Park;

WHEREAS, Jerome Peter Phenious cares deeply about his community and neighbors and assists every day collecting garbage and debris from sidewalks and curbs;

WHEREAS, Jerome Peter Phenious takes it upon himself to notify neighbors of dangerous or damaged areas of public space and to ensure they are made safe; and

WHEREAS, Jerome Peter Phenious led an effort among his neighbors to beautify the area by advocating for new trees to be planted in the neighborhood.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Jerome Peter Phenious Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia acknowledges and honors Jerome Peter Phenious’s commitment and service to his neighbors, his neighborhood, and 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

22-202

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare October 15 through October 23, 2017, as the “District of Columbia Week of Non-Violence” in the District of Columbia.

WHEREAS, incidents of violent crime across the country have received heightened attention and deeply affected communities;

WHEREAS, it is in the Nation’s and the District’s best interests to increase knowledge and training about and funding for conflict resolution, mental and behavioral health, mediation, parenting skills, and non-violence strategies, and to make resources available to change the culture of violence in America;

WHEREAS, non-violence has historically been utilized as an important and effective strategy for social and political change;

WHEREAS, Dr. Martin Luther King, Jr., Mahatma Gandhi, Nelson Mandela, and Cesar Chavez demonstrated leadership in non-violence and called for peaceful resolutions to conflicts and disagreements in order to create more fair and just societies;

WHEREAS, Rosa Parks, Ella Baker, and Dolores Huerta demonstrated leadership in non-violence and called for democratic and grassroots participation to bring about collective change;

WHEREAS, violence cessation strategies include intervening in and preventing crime by treating its root causes in a sustainable, community-based, and non-violent way;

WHEREAS, a holistic approach that includes collaboration between government agencies, community organizations, and District residents is essential to effective violence prevention;

WHEREAS, Black Women for Positive Change, a national civil, inter-faith volunteer organization, in collaboration with elected officials, faith leaders, community activists, and youth, are calling for a National Week of Non-Violence from October 15 through October 23, 2017; and

**ENROLLED ORIGINAL**

WHEREAS, Black Women for Positive Change is urging local, state, and national leaders to organize workshops to teach non-violence, anger management, and conflict resolution during the week to help alleviate violence in our communities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Week of Non-Violence Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia declares the week of October 15 through 23, 2017, as the “District of Columbia Week of Non-Violence” 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

22-203

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To posthumously recognize and honor Isaac Fulwood, Jr., for his years of distinguished service to the District of Columbia as an outstanding leader in the criminal justice community and a dedicated public servant.

WHEREAS, Isaac Fulwood, Jr., was born on April 28, 1940, in the District of Columbia in the Capitol Hill neighborhood;

WHEREAS, Isaac Fulwood, Jr., graduated from Eastern Senior High School in 1959;

WHEREAS, Isaac Fulwood, Jr., joined the Metropolitan Police Department (“MPD”) in 1964, where he served as a beat cop before African American officers were allowed to drive in patrol cars;

WHEREAS, while Isaac Fulwood, Jr., served as a beat cop, he modeled community policing strategies, establishing a program called *Talk with Ike* for neighborhood youth;

WHEREAS, Isaac Fulwood, Jr., served MPD in many capacities, including as a Community Services Officer, Internal Affairs Investigator, and Commander for 2 patrol districts;

WHEREAS, in 1986, Isaac Fulwood, Jr., became Assistant Chief of Field Operations, a prominent position in which he supervised approximately 85% of the police force;

WHEREAS, in 1989, Isaac Fulwood, Jr., was appointed Chief of Police, taking command during rising homicide rates and a crack cocaine epidemic;

WHEREAS, Isaac Fulwood, Jr., prioritized community policing through the creation of the Community Empowerment Policing program;

WHEREAS, Isaac Fulwood, Jr., retired as Chief of Police in 1992;

WHEREAS, in 1992, under Mayor Sharon Pratt Kelly, he was appointed the Executive Director for the Mayor’s Youth Initiative, where he directed programs and activities for young people;

**ENROLLED ORIGINAL**

WHEREAS, also in 1992, Southeastern University awarded Isaac Fulwood, Jr., an Honorary Doctorate of Human Letters;

WHEREAS, Isaac Fulwood, Jr., was appointed to the U.S. Parole Commission in 2004 by President George W. Bush and was elevated to Chairman in 2009 by President Barack Obama;

WHEREAS, Isaac Fulwood, Jr., retired from the U.S. Parole Commission in 2015;

WHEREAS, Isaac Fulwood, Jr. was an Adjunct Professor at the University of the District of Columbia, where he taught law enforcement, community policing, and ethics courses, and recruited officers for enrollment; and

WHEREAS, Isaac Fulwood, Jr. passed away on September 1, 2017, at 77 years of age.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Isaac Fulwood, Jr., Posthumous Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Isaac Fulwood Jr. for his years of distinguished service to the District of Columbia as an outstanding leader in the criminal justice community and a dedicated public servant.

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

22-204

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and honor the American Foundation for Suicide Prevention on the occasion of its 11th Annual Out of the Darkness Walk, which raises awareness about suicide prevention as a national, state, and local public health issue and responsibility.

WHEREAS, suicide is the 10th leading cause of death in the United States and the 2nd leading cause of death among individuals between the ages of 10 years to 34 years;

WHEREAS, according to the Centers for Disease Control, in the United States, one person completes suicide every 11.89 minutes, resulting in over 44,000 suicides each year;

WHEREAS, suicide is the only leading cause of death in the United States that has increased every year for the past decade with over 1.1 million suicide attempts each year;

WHEREAS, in 2015, the Centers for Disease Control reported that the District of Columbia experienced 34 suicides;

WHEREAS, in 2015, the Youth Risk Behavior Survey reported that 9.3% of male middle school students, 15.5 % of female middle school students, 11.1% of male high school students, and 13.7% of female high school students in the District of Columbia had made a suicide attempt;

WHEREAS, for every reported suicide, there are an estimated 12 suicide attempts and many suicide attempts go unreported or untreated;

WHEREAS, over 90% of the people who die by suicide have a diagnosable and treatable mental health condition, although often that condition is not recognized or treated;

WHEREAS, suicide results in an estimated \$51 billion in combined medical and work-loss costs nationally, and an estimated \$53 million in combined medical and work-loss costs in the District annually, or an average of \$1.3 million per suicide death;

WHEREAS, the stigma associated with mental health conditions and suicidality remains a powerful negative attribute, which discourages persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide loss and people with lived experience of suicide;



## ENROLLED ORIGINAL

WHEREAS, The American Foundation for Suicide Prevention envisions a world without suicide, and is dedicated to saving lives and bringing hope to those affected by suicide through research, education, advocacy, and resources for those who have lost a loved one or struggled with suicidal ideation;

WHEREAS, The American Foundation for Suicide Prevention recognizes suicide as a preventable national and city public health problem and declares suicide prevention to be a priority;

WHEREAS, The American Foundation for Suicide Prevention acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

WHEREAS, The American Foundation for Suicide Prevention encourages initiatives based on the goals contained in the National Strategy for Suicide Prevention;

WHEREAS, The American Foundation for Suicide Prevention promotes awareness that there is no single cause for suicide, and that suicide most often occurs when stressors exceed current coping abilities of someone suffering from a mental health condition;

WHEREAS, The American Foundation for Suicide Prevention develops and implements strategies to increase access to quality mental health, substance abuse, and suicide prevention services; and

WHEREAS, The American Foundation for Suicide Prevention organizes the Annual Out of the Darkness Walk to raise awareness about the need for stronger research and data collection to better understand suicide and ways to prevent it; for educational programs about prevention, warning signs, and the mental health conditions and other risk factors that can lead to suicide; and for resources and support for persons affected by suicide.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “The American Foundation for Suicide Prevention 11th Annual Out of the Darkness Walk Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors The American Foundation for Suicide Prevention and the 11th Annual Out of Darkness Walk for its contributions to the health and well-being of individuals living 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

22-205

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize posthumously Barbara Blaine for her contributions to the social justice movement.

WHEREAS, Barbara Blaine, a lawyer with a degree in theology, devoted her life to serving those who suffered abuse at the hands of priests;

WHEREAS, in 1988, Barbara Blaine founded and served as the President of the Survivors Network of Those Abused by Priests (SNAP), one of the nation's strongest advocacy groups for abuse survivors;

WHEREAS, in 2016, Barbara Blaine founded The Accountability Project (TAP), an organization designed to pressure Vatican officials to stop priest sex crimes internationally and to be held accountable for their crimes and cover-ups;

WHEREAS, Barbara Blaine worked for several years with the United Nations' Committee on the Rights of the Child, to help report Vatican officials' dangerous practices that continue to harm children and those that are vulnerable;

WHEREAS, Barbara Blaine's zealous advocacy helped to raise awareness of these issues in the District of Columbia when she testified before the Council in support of the Childhood Sexual Abuse Prevention Amendment Act of 2007; and

WHEREAS, Barbara Blaine was a fierce and tireless warrior on behalf of social justice and served as a voice for those who might have otherwise been silenced.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Barbara Blaine Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia posthumously recognizes and commends Ms. Barbara Blaine for her outstanding work and devotion to survivors of sexual abuse.

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

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

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

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

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**COUNCIL OF THE DISTRICT OF COLUMBIA****PROPOSED LEGISLATION****BILL**

B22-537            Omnibus Alcoholic Beverage Regulation Amendment Act of 2017

Intro. 10-25-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

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**PROPOSED RESOLUTIONS**

PR22-572            Commission on Human Rights Wynter Allen Confirmation Resolution of 2017

Intro. 10-25-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR22-573            Commission on Human Rights Adam Maier Confirmation Resolution of 2017

Intro. 10-25-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR22-574            Commission on Human Rights Gunther Sanabria Confirmation Resolution of 2017

Intro. 10-25-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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- PR22-575 Commission on Human Rights Anika Simpson Confirmation Resolution of 2017  
Intro. 10-25-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR22-576 Commission on Human Rights Earl Fowlkes Confirmation Resolution of 2017  
Intro. 10-25-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR22-582 Resources for the Future, Inc. Revenue Bonds Project Approval Resolution of 2017  
Intro. 10-26-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
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- PR22-583 Board of Nursing Margaret Alfreda Green Confirmation Resolution of 2017  
Intro. 10-27-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-584 Homeland Security and Emergency Management Agency Christopher Rodriguez Confirmation Resolution of 2017  
Intro. 10-27-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR22-585 Housing Production Trust Fund Board LaKeeshia A. Fox Confirmation Resolution of 2017  
Intro. 10-27-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization
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- PR22-586 District of Columbia Boxing and Wrestling Commission Kimberly Lockett Confirmation Resolution of 2017  
Intro. 10-27-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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**Council of the District of Columbia  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
NOTICE OF PUBLIC HEARING  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

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**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 22-0268, THE “RETURNING CITIZENS OPPORTUNITY TO SUCCEED  
AMENDMENT ACT OF 2017”**

**BILL 22-0287, THE “INJURED METROPOLITAN POLICE OFFICER RELIEF  
AMENDMENT ACT OF 2017”**

**BILL 22-0514, THE “RELIEF FROM FIREARMS DISQUALIFICATION  
AMENDMENT ACT OF 2017**

**BILL 22-0524, THE “MATERNAL MORTALITY REVIEW COMMITTEE  
ESTABLISHMENT ACT OF 2017”**

**Thursday, December 7, 2017, 12 p.m.  
Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

On Thursday, December 7, 2017, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will hold a public hearing on Bill 22-0268, the “Returning Citizens Opportunity to Succeed Amendment Act of 2017”, Bill 22-0287, the “Injured Metropolitan Police Officer Relief Amendment Act of 2017”, Bill 22-0514, the “Relief from Firearms Disqualification Amendment Act of 2017,” and Bill 22-0524, the “Maternal Mortality Review Committee Establishment Act of 2017”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 12:00 p.m.

The stated purpose of Bill 22-0268, the “Returning Citizens Opportunity to Succeed Amendment Act of 2017”, is to amend the Office of Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006 to require the Mayor’s Office of Returning Citizen Affairs to maintain a database containing information on all citizens returning to the District, to require that the Office contact each returning citizen at least six months prior to their

return to provide information related to housing and employment, to coordinate with the Department of Health and the Department of Motor Vehicles to provide returning citizens the opportunity to apply for birth certificates and non-driver identification cards while incarcerated, and to establish a program to provide a three-month transportation subsidy to returning citizens upon their return; to amend the Vital Records Act of 1981 to require the Department of Health to accept identifying information provided by the Federal Bureau of Prisons as one permissible form of identification to substantiate a request for vital records; and to amend the District of Columbia Traffic Control Act of 1925 to require the Mayor to develop a procedure for District residents incarcerated by the Bureau of Prisons to apply for non-driver identification cards at least six months prior to their return to the District.

The stated purpose of Bill 22-0287, the “Injured Metropolitan Police Officer Relief Amendment Act of 2017”, is to amend the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004 to allow members of the Metropolitan Police Department who, in the performance of their duties, sustain serious or life-threatening injuries, to be processed with parity and be assigned non-police duties.

The stated purpose of Bill 22-0514, the “Relief from Firearms Disqualification Amendment Act of 2017”, is to amend the Firearms Control Regulations Act of 1975 to establish a judicial review process for individuals who apply for a firearms registration certificate and have, within the five-year period preceding the application, been committed to a mental hospital, institution, or facility by the Superior Court of the District of Columbia or a District board, commission, or lawful authority, or have been found to be incapacitated.

The stated purpose of Bill 22-0524, the “Maternal Mortality Review Committee Establishment Act of 2017”, is to establish the Maternal Mortality Review Committee within the Office of the Chief Medical Examiner to determine the causes associated with maternal deaths in the District and find solutions to lower the maternal death rate and improve maternal health.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or at (202) 727-8275, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, December 4**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us).

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on December 21.**

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING**

on

**PR 22-557, Child Support Guideline Commission Meridel Bulle-Vu Appointment  
Resolution of 2017**

**PR 22-559, Child Support Guideline Commission Tianna Gibbs Appointment Resolution of  
2017**

on

**Monday, November 20, 2017  
11:00 a.m., Hearing Room 123, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on PR 22-557 and PR 22-559, appointment resolutions for council appointments to the Child Support Guideline Commission (“Commission”) for: Meridel Bulle-Vu and Tianna Gibbs. The hearing will be held on Monday, November 20, 2017 at 11:00 a.m. in Hearing Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 22-557 and PR 22-559 is to appoint Ms. Bulle-Vu and Ms. Gibbs to the Commission for a 4-year term. The mission of the Commission is to study and make recommendations on the child support guidelines to the Mayor. The Commission is required to review and recommend updates of the child support guidelines not less than once every 4 years. The purpose of this hearing is to receive testimony from public witnesses as to the fitness of these nominees for the Commission.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Peter Johnson, Special Counsel at (202) 724-8083, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, November 16, 2017. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on November 16, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are 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 to the Committee of the Whole, Council of the District of Columbia, Suite 410 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 Monday, December 4, 2017.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

RECONVENED

CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE

on

**The Department of Consumer and Regulatory Affairs:  
Permitting Services and Illegal Construction**

on

**Tuesday, November 14, 2017  
2:00 p.m., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public oversight roundtable before the Committee of the Whole seeking public comment on the Department of Consumer and Regulatory Affairs (“DCRA”) permitting services and illegal construction enforcement. **This hearing was recessed on October 24, 2017 and will reconvene at 2:00 p.m. on Tuesday, November 14, 2017 in hearing room 412 of the John A. Wilson Building.**

This is the first in a series of roundtables being held by the Committee to provide a forum for District residents and businesses to discuss the issuance of permits and the enforcement of the District’s construction codes regulated by DCRA. This roundtable is to be an opportunity for residents, businesses, and advocates to discuss the issue of inconsistent permitting services and non-compliant construction in the District. The Committee is especially interested in hearing feedback regarding DCRA’s permitting and enforcement programs of residential construction sites.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Randi Powell, Legislative Policy Advisor, at 202-724-8196, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, November 10, 2017. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Monday, November 13, 2017 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 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 November 28, 2017.



Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

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**ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen (15) days on PR 22-553, the “Veritas of Washington LLC Disapproval Resolution of 2017” and PR 22-566, the “Pink Belts, LLC Disapproval Resolution of 2017” in order to consider the proposed resolutions at the November 7, 2017 Legislative Meeting.

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

Placard Posting Date: November 3, 2017  
Protest Petition Deadline: December 18, 2017  
Roll Call Hearing Date: January 8, 2018

License No.: ABRA-095711  
Licensee: Lemma Holdings, LLC  
Trade Name: Bliss  
License Class: Retailer's Class "C" Tavern  
Address: 2122 24<sup>th</sup> Place, N.E.  
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 5

ANC 5C

SMD 5C02

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 January 8, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 rooftop Summer Garden endorsement with seating for 183 patrons.

**CURRENT HOURS OF OPERATION**

Sunday 10:00 am – 3:00 am, Monday through Thursday 8 am – 3 am,  
Friday and Saturday 8 am – 4 am

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES**

Sunday 10:00 am – 2:00 am, Monday through Thursday 8 am – 2 am,  
Friday and Saturday 8 am – 3 am

**CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES**

Sunday through Thursday 6pm – 2:30 am, Friday and Saturday 6 pm – 3:30 am

**PROPOSED HOURS OF OPERATION FOR ROOFTOP SUMMER GARDEN**

Sunday 10:00 am – 3:00 am, Monday through Thursday 8 am – 3 am,  
Friday and Saturday 8 am – 4 am

**PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR ROOFTOP SUMMER GARDEN**

Sunday 10:00 am – 2:00 am, Monday through Thursday 8 am – 2 am,  
Friday and Saturday 8 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: October 20, 2017  
Protest Petition Deadline: December 4, 2017  
Roll Call Hearing Date: December 18, 2017  
Protest Hearing Date: February 14, 2018

License No.: ABRA-108078  
Licensee: Fork & Knife, LLC  
Trade Name: Chef Brian’s Comfort Kitchen  
License Class: Retailer’s Class \*\*D Restaurant  
Address: 1020 19<sup>th</sup> Street, N.W.  
Contact: Brian Hill: (202) 999-9024

WARD 2                      ANC 2B                      SMD 2B06

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 December 18, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 February 14, 2018, at 4:30 p.m.**

**NATURE OF OPERATION**

New Class **\*\*“D”** Restaurant serving fast, casual comfort cuisine, with a seating capacity of 30, a Total Occupancy Load of 30, and a Sidewalk Café with 12 seats.

**PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/ SERVICE/ CONSUMPTION (INSIDE PREMISES)**

Sunday – Thursday 8:00 am – 2:00 am  
Friday – Saturday 8:00 am – 3:00 am

**PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/ SERVICE/ AND CONSUMPTION (SIDEWALK CAFÉ)**

Sunday – Saturday 11:00 am – 6:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: October 20, 2017  
Protest Petition Deadline: December 4, 2017  
Roll Call Hearing Date: December 18, 2017  
Protest Hearing Date: February 14, 2018

License No.: ABRA-108078  
Licensee: Fork & Knife, LLC  
Trade Name: Chef Brian’s Comfort Kitchen  
License Class: Retailer’s Class \*\*C Restaurant  
Address: 1020 19<sup>th</sup> Street, N.W.  
Contact: Brian Hill: (202) 999-9024

WARD 2

ANC 2B

SMD 2B06

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 December 18, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 February 14, 2018, at 4:30 p.m.**

**NATURE OF OPERATION**

New Class **\*\*“C”** Restaurant serving fast, casual comfort cuisine, with a seating capacity of 30, a Total Occupancy Load of 30, and a Sidewalk Café with 12 seats.

**PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/ SERVICE/ CONSUMPTION (INSIDE PREMISES)**

Sunday – Thursday 8:00 am – 2:00 am  
Friday – Saturday 8:00 am – 3:00 am

**PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/ SERVICE/ AND CONSUMPTION (SIDEWALK CAFÉ)**

Sunday – Saturday 11:00 am – 6:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 3, 2017
Protest Petition Deadline: December 18, 2017
Roll Call Hearing Date: January 8, 2018
Protest Hearing Date: February 28, 2018

License No.: ABRA-107631
Licensee: Sardar, LLC
Trade Name: Coffy Café
License Class: Retailer’s Class “D” Restaurant
Address: 3310 14th Street, N.W.
Contact: Yahya Sardari: (202) 588-5660

WARD 1

ANC 1A

SMD 1A05

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 January 8, 2018 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 February 28, 2018 at 1:30 p.m.

NATURE OF OPERATION

A Retailer’s Class “D” Restaurant serving crepes, sandwiches and small plates with Total Occupancy Load of 37 with seating for 37. Requesting an Entertainment Endorsement to provide live entertainment, with Cover Charge.

HOURS OF OPERATION

Sunday 8:00 am – 11:00 pm, Monday through Thursday 7:00 am –11:00 pm, Friday 7:00 am – 12:00 am, Saturday 8:00 am – 12:00 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8:00 am –11:00 pm, Friday and Saturday 8:00 am – 12:00 am

HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 5:00 pm –11:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 3, 2017
Protest Petition Deadline: December 18, 2017
Roll Call Hearing Date: January 8, 2018
Protest Hearing Date: February 28, 2018

License No.: ABRA-108211
Licensee: President and Directors of Gonzaga College (The)
Trade Name: Gonzaga College High School
License Class: Retailer's Class "C" Tavern
Address: 19 I Street, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 6 ANC 6E SMD 6E07

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 January 8, 2018 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 February 28, 2018, at 4:30 p.m.

NATURE OF OPERATION

New Class "C" Tavern, with 800 seats and a Total Occupancy Load of 800. Gonzaga College High School is a non-profit Jesuit high school for boys established in 1821. The license is being requested for special events and occasions (i.e. fundraisers and faculty events) in which alcoholic beverages may be offered or sold to guests aged 21 and older. There will be no fixed or regular service of alcohol. The licensee has requested an Entertainment Endorsement to provide Live Entertainment during such special events and occasions.

PROPOSED HOURS OF OPERATION

Sunday - Saturday 7:00 am - 1:00 am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION AND HOURS OF LIVE ENTERTAINMENT

Sunday - Saturday 4:00 pm - 1:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: October 27, 2017  
Protest Petition Deadline: December 11, 2017  
Roll Call Hearing Date: January 8, 2018  
Protest Hearing Date: February 14, 2018

License No.: ABRA-107912  
Licensee: 2121 K Street, LLC  
Trade Name: Homeslyce  
License Class: Retailer’s Class “C” Restaurant  
Address: 2121 K Street, N.W.  
Contact: Jeff Jackson: 202-251-1566

WARD 2                      ANC 2A                      SMD 2A06

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 January 8, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 **February 14, 2018 at 4:30pm.**

**NATURE OF OPERATION**

New Restaurant with a full-service pizza bar. Requesting an Entertainment Endorsement to provide Live Entertainment. Sidewalk Café with 20 seats. Total Occupancy Load is 100.

**HOURS OF OPERATION INSIDE PREMISES**

Sunday through Thursday 10 am – 2 am, Friday and Saturday 10 am – 4 am

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES**

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

**\*\*HOURS OF OPERATION FOR SIDEWALK CAFÉ**

Sunday through Thursday 10 am – \*\*11 pm, Friday and Saturday 10 am – \*\*1 am

**\*\* HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ**

Sunday through Thursday 11 am – \*\*11 pm, Friday and Saturday 11 am – \*\*1 am

**HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES**

Sunday through Thursday 6 pm – 1:30 am, Friday and Saturday 6 pm – 2:30 am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: October 27, 2017  
Protest Petition Deadline: December 11, 2017  
Roll Call Hearing Date: January 8, 2018  
Protest Hearing Date: February 14, 2018

License No.: ABRA-107912  
Licensee: 2121 K Street, LLC  
Trade Name: Homeslyce  
License Class: Retailer's Class "C" Restaurant  
Address: 2121 K Street, N.W.  
Contact: Jeff Jackson: 202-251-1566

WARD 2

ANC 2A

SMD 2A06

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 January 8, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 **February 14, 2018 at 4:30pm**.

**NATURE OF OPERATION**

New Restaurant with a full-service pizza bar. Requesting an Entertainment Endorsement to provide Live Entertainment. Sidewalk Café with 20 seats. Total Occupancy Load is 100.

**HOURS OF OPERATION INSIDE PREMISES**

Sunday through Thursday 10 am – 2 am, Friday and Saturday 10 am – 4 am

**\*\*HOURS OF OPERATION FOR SIDEWALK CAFÉ**

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

**\*\*HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES AND FOR SIDEWALK CAFÉ**

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

**HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES**

Sunday through Thursday 6 pm – 1:30 am, Friday and Saturday 6 pm – 2:30 am



## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: October 27, 2017  
Protest Petition Deadline: December 11, 2017  
Roll Call Hearing Date: January 8, 2018  
Protest Hearing Date: February 14, 2018

License No.: ABRA-074960  
Licensee: Parki, Inc  
Trade Name: \*\*Imperial Liquors  
License Class: Retailer's Class "A" Liquor Store  
Address: 1033 Connecticut Avenue, N.W.  
Contact: Chrissie Chang: (703) 992-3994

WARD 2

ANC 2B

SMD 2B05

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 January 8, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 **February 14, 2018 at 4:30 p.m.**

**NATURE OF SUBSTANTIAL CHANGE**

Licensee requests to transfer license from 1050 17<sup>th</sup> Street, N.W. to a new location at 1033 Connecticut Avenue, N.W. Establishment is a Retailer's Class A which sells liquor. Licensee has also requested a Change of Hours of Operation and Alcoholic Beverage Sales.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday closed, Monday through Saturday 10am – 10pm

**PROPOSE HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 9am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: October 27, 2017  
Protest Petition Deadline: December 11, 2017  
Roll Call Hearing Date: January 8, 2018  
Protest Hearing Date: February 14, 2018

License No.: ABRA-074960  
Licensee: Parki, Inc  
Trade Name: \*\*Imperial Wine & Spirits  
License Class: Retailer’s Class “A” Liquor Store  
Address: 1033 Connecticut Avenue, N.W.  
Contact: Chrissie Chang: (703) 992-3994

WARD 2

ANC 2B

SMD 2B05

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 January 8, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 **February 14, 2018 at 4:30 p.m.**

**NATURE OF SUBSTANTIAL CHANGE**

Licensee requests to transfer license from 1050 17<sup>th</sup> Street, N.W. to a new location at 1033 Connecticut Avenue, N.W. Establishment is a Retailer’s Class A which sells liquor. Licensee has also requested a Change of Hours of Operation and Alcoholic Beverage Sales.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday closed, Monday through Saturday 10am – 10pm

**PROPOSE HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 9am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 3, 2017
Protest Petition Deadline: December 18, 2017
Roll Call Hearing Date: January 8, 2018

License No.: ABRA-103722
Licensee: Modmarket, LLC
Trade Name: Modern Market
License Class: Retailer's Class "C" Restaurant
Address: 1010 Vermont Avenue, N.W.
Contact: Robert McColgan: (917) 667-7972

WARD 2 ANC 2F SMD 2F05

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 January 8, 2018 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 Café Endorsement with 16 seats.

CURRENT HOURS OF OPERATION ON PREMISE

Sunday through Saturday 7 am – 9 pm

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION ON PREMISE

Sunday through Saturday 8 am – 9 pm

PROPOSED HOURS OF OPERATION FOR THE OUTDOOR SIDEWALK CAFÉ

Sunday – Closed, Monday through Friday 7 am – 8 pm, Saturday 8 am – 6 pm

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR THE OUTDOOR SIDEWALK CAFÉ

Sunday – Closed, Monday through Friday 11 am – 8 pm, Saturday 11 am – 6 pm

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: November 3, 2017  
Protest Petition Deadline: December 18, 2017  
Roll Call Hearing Date: January 8, 2018  
Protest Hearing Date: February 28, 2018

License No.: ABRA-108202  
Licensee: O-Ku Washington LLC  
Trade Name: O-Ku  
License Class: Retailer's Class "C" Restaurant  
Address: 1274 5<sup>th</sup> Street, N.E.  
Contact: Stephen J. O'Brien: 202-625-7700

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 January 8, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 **February 28, 2018 at 1:30pm**.

**NATURE OF OPERATION**

New Restaurant, serving authentic Asian cuisine. Total Occupancy Load is 299 with seating for 175. Summer Garden with 49 seats.

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

Sunday through Saturday 5 pm – 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*READVERTISEMENT**

Placard Posting Date: \*\*November 3, 2017  
Protest Petition Deadline: \*\*December 18, 2017  
Roll Call Hearing Date: \*\*January 8, 2018

License No.: ABRA-106554  
Licensee: Potomac Distilling Limited Liability Company  
Trade Name: Potomac Distilling Company  
License Class: Retailer’s Class “C” Tavern  
Address: 1130 Maine Avenue, S.W.  
Contact: Andrew Kline, Esq.: (202) 686-7600

WARD 6                      ANC 6D                      SMD 6D04

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 \*\*January 8, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 an additional Summer Garden Endorsement with 40 seats.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION ON PREMISE AND FOR THE FIRST SUMMER GARDEN**

Sunday 10 am 12 am, Monday through Friday 11:30 am – 1:30am, Saturday 10 am – 1:30 am

**PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION ON THE ADDITIONAL OUTDOOR SUMMER GARDEN**

Sunday 10 am – 12 am, Monday through Friday 11:30 am – 12 am, Saturday 10 am 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: \*\*October 13, 2017  
Protest Petition Deadline: \*\*November 27, 2017  
Roll Call Hearing Date: \*\*December 11, 2017

License No.: ABRA-106554  
Licensee: Potomac Distilling Limited Liability Company  
Trade Name: Potomac Distilling Company  
License Class: Retailer’s Class “C” Tavern  
Address: 1130 Maine Avenue, S.W.  
Contact: Andrew Kline, Esq.: (202) 686-7600

WARD 6                      ANC 6D                      SMD 6D04

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 \*\*November 27, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 an additional Summer Garden Endorsement with 40 seats.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION ON PREMISE AND FOR THE FIRST SUMMER GARDEN**

Sunday 10 am 12 am, Monday through Friday 11:30 am – 1:30am, Saturday 10 am – 1:30 am

**PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION ON THE ADDITIONAL OUTDOOR SUMMER GARDEN**

Sunday 10 am – 12 am, Monday through Friday 11:30 am – 12 am, Saturday 10 am 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/27/2017

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-103124

License Class/Type: B / Retail - Grocery

Applicant: Four Brothers, LLC

Trade Name: Rioja Market

ANC: 1C03

Has applied for the renewal of an alcoholic beverage license at the premises:

1813 A COLUMBIA RD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/11/2017

A HEARING WILL BE HELD ON:  
1/8/2018

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	7 am - midnight	9 am - 10 pm
Monday:	7 am - midnight	9 am - 10 pm
Tuesday:	7 am - midnight	9 am - 10 pm
Wednesday:	7 am - midnight	9 am - 10 pm
Thursday:	7 am - midnight	9 am - 10 pm
Friday:	7 am - midnight	9 am - 10 pm
Saturday:	7 am - midnight	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION  
ADMINISTRATION

ON

9/29/2017

**\*\*CORRECTION**

Notice is hereby given that:

License Number: ABRA-086230

License Class/Type: B Retail - Class B

Applicant: HSA Investments, LLC

Trade Name: Sara's Market

ANC: 2E06

Has applied for the renewal of an alcoholic beverage license at the premises:

3008 Q ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
11/13/2017

A HEARING WILL BE HELD ON:  
11/27/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	**Hours of Sales/Service
Sunday:	8 am - 9 pm	8 am - 8:30 pm
Monday:	8 am - 9 pm	8 am - 8:30 pm
Tuesday:	8 am - 9 pm	8 am - 8:30 pm
Wednesday:	8 am - 9 pm	8 am - 8:30 pm
Thursday:	8 am - 9 pm	8 am - 8:30 pm
Friday:	8 am - 9 pm	8 am - 8:30 pm
Saturday:	8 am - 9 pm	8 am - 8:30 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION  
ADMINISTRATION

ON

9/29/2017

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-086230

License Class/Type: B Retail - Class B

Applicant: HSA Investments, LLC

Trade Name: Sara's Market

ANC: 2E06

Has applied for the renewal of an alcoholic beverage license at the premises:

3008 Q ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR

BEFORE:

11/13/2017

A HEARING WILL BE HELD ON:

11/27/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	**Hours of Sales/Service
Sunday:	8 am - 9 pm	9 am - 8:30 pm
Monday:	8 am - 9 pm	9 am - 8:30 pm
Tuesday:	8 am - 9 pm	9 am - 8:30 pm
Wednesday:	8 am - 9 pm	9 am - 8:30 pm
Thursday:	8 am - 9 pm	9 am - 8:30 pm
Friday:	8 am - 9 pm	9 am - 8:30 pm
Saturday:	8 am - 9 pm	9 am - 8:30 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 3, 2017
Protest Petition Deadline: December 18, 2017
Roll Call Hearing Date: January 8, 2018

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

WARD 1 ANC 1B SMD 1B12

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 January 8, 2018 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

Request to Add a Summer Garden with 35 seats.

CURRENT HOURS OF OPERATION FOR INSIDE PREMISES

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

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

Sunday through Saturday 9 am - 2 am

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

Sunday through Saturday 9 am - 2 am

**DEPARTMENT OF HEALTH**  
**STATE HEALTH PLANNING AND DEVELOPMENT AGENCY**

**NOTICE OF PUBLIC HEARING**

On September 27, 2012, the D.C. State Health Planning and Development Agency (SHPDA) denied reconsideration of its August 14, 2012 decision denying MBI Health Services, LLC's application for a certificate of need to establish home health care services. On October 12, 2012, MBI Health Services, LLC (MBI) filed a Notice of Appeal with the Office of Administrative Hearings (OAH) appealing the denial of the application. On September 19, 2014, the OAH reversed SHPDA's decision and ordered SHPDA to issue a CON to MBI. After the CON was issued, the SHPDA filed a petition with the D.C. Court of Appeals challenging OAH's decision. On March 7, 2017, the Court of Appeals remanded the matter to the SHPDA for further proceedings.

The SHPDA will now hold a public hearing to receive testimony from all interested/affected parties before making a determination on whether to affirm or retract the certificate of need that it issued to MBI.

The hearing will be held on Wednesday, November 8, 2017, at 10:00 a.m., at 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Room 6002, Washington, D.C. 20002.

At this public hearing, MBI will be given a period of up to one hour in which to make its presentation. Each public commentator, whether scheduled or unscheduled, will have up to five minutes to present his or her testimony. The time limit will be enforced by the Hearing Officer. Written statements may also be submitted to the SHPDA before the record closes at 4:45 p.m. on Wednesday, November 15, 2017.

Persons who wish to testify should contact the SHPDA on (202) 442-5875 before 4:45 p.m., by Tuesday, November 7, 2017. Each member of the public who wishes to testify will be allowed a maximum of five (5) minutes.

**HISTORIC PRESERVATION REVIEW BOARD****NOTICE OF PUBLIC HEARINGS**

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following property a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

**Case No. 18-01: Texas Gardens Apartments**  
**1741 28<sup>th</sup> Street SE**  
**Square 5635, Lot 803**  
**Affected Advisory Neighborhood Commission: 7B**

**Case No. 18-02: Duvall Manor Apartments**  
**3500-3510 Minnesota Avenue SE**  
**Square 5426, Lot 25**  
**Affected Advisory Neighborhood Commission: 7B**

**Case No. 18-03: Glenn Arms Apartments**  
**2524 17<sup>th</sup> Street NW**  
**Square 2565, Lot 18**  
**Affected Advisory Neighborhood Commission: 1C**

**Case No. 18-04: The Fulford**  
**2518 17<sup>th</sup> Street NW**  
**Square 2565, Lot 48**  
**Affected Advisory Neighborhood Commission: 1C**

**Case No. 18-05: Raymond and Olive Clapper House**  
**3125 Chain Bridge Road NW**  
**Square 1427, Lot 864**  
**Affected Advisory Neighborhood Commission: 3D**

The hearing will take place at **9:00 a.m. on Thursday, December 21, 2017**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4<sup>th</sup> Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**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 Roots Public Charter School's (Roots PCS) request to amend its charter goals and academic achievement expectations. Roots PCS is requesting to revise its kindergarten through second grade English Language Arts goal to include both growth and achievement, per the publisher's recommendations. Currently the goal only accounts for achievement.

A public hearing will be held on December 18, 2017 at 6:30 p.m.; a vote will be held on January 22, 2018. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on December 18, 2017.

**How to Submit Public Comment:**

1. Submit written comment one of the following ways:
  - a. E-mail: [public.comment@dcpcsb.org](mailto:public.comment@dcpcsb.org)
  - b. Postal mail: Attn: Public Comment, \*DC Public Charter School Board, 3333 14<sup>th</sup> 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 December 18, 2017 to [public.comment@dcpcsb.org](mailto:public.comment@dcpcsb.org) no later than 4 p.m. on December 14, 2017. Each person testifying is given two minutes to present testimony.

**DISTRICT OF COLUMBIA PUBLIC SCHOOLS****PUBLIC HEARING NOTICE****FISCAL YEAR 2019 BUDGET**

**Tuesday, November 14, 2017; 6:00PM – 8:00PM**  
**Stuart-Hobson Middle School**  
**410 E St NE, Washington, DC 20002**

The District of Columbia Public Schools (DCPS) will convene a public budget hearing on Tuesday, November 14, 2017 from 6:00PM – 8:00PM at Stuart-Hobson Middle School, 410 E St NE, Washington, DC 20002. The purpose of the hearing is to gather feedback from the public about the upcoming Fiscal Year 2019 (School Year 2018-2019) budget.

Members of the public are invited to provide testimony at the hearing. Individuals or groups wishing to testify should register online at <http://bit.ly/2017DCPSBudgetHearing>. Testimony will be limited to five minutes during the hearing. Witnesses should bring five (5) copies of their documentation, including a written copy of their testimony and any supplemental information. All documents will be included as part of the official record.

The registration deadline is 3:00PM on Friday, November 10, 2017. If an individual or group is unable to register online, please contact the School Funding Team at (202) 442-5112.

The official record of this hearing will be transmitted to the Mayor and Council of the District of Columbia pursuant to DC Official Code § 38-917(1).

Interpretation services are available upon request. Please include any requests for interpretation services during the registration process.

Any additional questions or concerns should be directed to the School Funding Team at 202-442-5112 or [dcps.schoolfunding@dc.gov](mailto:dcps.schoolfunding@dc.gov).



**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, DECEMBER 20, 2017  
441 4<sup>TH</sup> 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 THREE**

19630            **Application of Elodie Goirand and Andreas Xenophontos**, pursuant to 11  
ANC 3D           DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201  
                      from the lot occupancy requirements of Subtitle D § 804.1 , to permit an existing  
                      rear garage in the R-15 Zone at premises 4540 Lowell Street N.W. (Square 1608,  
                      Lot 68).

**WARD ONE**

19650            **Application of City Corner Market, Inc.**, pursuant to 11 DCMR Subtitle X,  
ANC 1B           Chapter 9, for a special exception under the use provisions of Subtitle U § 254, to  
                      permit a corner store in the RF-1 Zone at premises 2601 Sherman Avenue N.W.  
                      (Square 2884, Lot 61).

**WARD SEVEN**

19651            **Application of House of Ruth, Inc.**, pursuant to 11 DCMR Subtitle X, Chapter  
ANC 7B           9, for a special exception under Subtitle U § 203.1(g), to replace an existing child  
                      development center with a new facility and increase the number of children from  
                      76 to 88 and the number of staff from 21 to 25 in the R-1-B and R-3 Zones at  
                      premises 2910 and 2916 Pennsylvania Avenue S.E. (Square 5546, Lots 800, 5, 6,  
                      7, and 8).

**WARD SIX**

19655            **Application of Benjamin Flowers**, pursuant to 11 DCMR Subtitle X, Chapter 9,  
ANC 6B           for special exceptions under the non-conforming structure requirements of  
                      Subtitle C § 202.2, under Subtitle G § 1200 from the lot occupancy requirements  
                      of Subtitle G § 405.2 and from the side yard requirements of Subtitle G § 406.2,  
                      and under Subtitle G § 1200 from the rear yard requirements of Subtitle G § 405.2  
                      to construct a two-story rear addition to an existing one-family dwelling in the  
                      MU-4 Zone at premises 508 7<sup>th</sup> Street S.E. (Square 903, Lot 23).

## BZA PUBLIC HEARING NOTICE

DECEMBER 20, 2017

PAGE NO. 2

WARD TWO

19656            **Application of Mark and Cynthia Moyer**, pursuant to 11 DCMR Subtitle X, ANC 2E            Chapter 10, for variances from the floor area ratio requirements of Subtitle F § 302.1 and the non-conforming structure requirements of Subtitle C § 202.2, to construct a rear attic dormer in an existing one-family dwelling in the RA-2 at premises 2517 Q Street N.W. (Square 1287, Lot 820).

WARD TWO

19659            **Application of The Federation of State Medical Boards**, pursuant to 11 DCMR ANC 2D            Subtitle X, Chapter 9, for a special exception from the use provisions under Subtitle U § 203.1(n), and pursuant to Subtitle X, Chapter 10, for an area variance from the gross floor area requirements of Subtitle U § 203.1(n)(2), to use the existing residential building as an office for a non-profit organization in the R-3 at premises 2118 Leroy Place N.W. (Square 2531, Lot 49).

**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 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](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> 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.*

BZA PUBLIC HEARING NOTICE  
DECEMBER 20, 2017  
PAGE NO. 3

**Do you need assistance to participate?**

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት 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](mailto: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](mailto: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](mailto: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 interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a [Zelalem.Hill@dc.gov](mailto: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](mailto: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**

BZA PUBLIC HEARING NOTICE

DECEMBER 20, 2017

PAGE NO. 4

**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**

## 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 Final Rulemaking issued by the Director of the Department of Energy and Environment, and published in the *D.C. Register* on December 30, 2011 at 58 DCR 11286.

The final rulemaking amended Chapter 7 (Volatile Organic Compounds and Hazardous Air Pollutants) of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR). Subsection 799.1 provided an erroneous text and numerical version of a temperature value in the definition of “LVP-VOC.”

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

**Chapter 7, AIR QUALITY - VOLATILE ORGANIC COMPOUNDS AND HAZARDOUS AIR POLLUTANTS, of Title 20 DCMR, ENVIRONMENT, is amended as follows:**

**Section 799, DEFINITIONS, Subsection 799.1, is amended as follows:**

**The definition of LVP-VOC is amended as follows:**

**LVP-VOC** – is the following:

- (a) A chemical compound or mixture that contains at least one (1) carbon atom and meets one of the following:
  - (1) Has a vapor pressure less than one tenth millimeters of mercury (0.1 mm Hg) at twenty degrees Celsius (20° C) or sixty-eight degrees Fahrenheit (68° F), as determined by CARB Method 310;
  - (2) Is a chemical compound with more than twelve (12) carbon atoms, or a chemical “mixture” comprised solely of “compounds” with more than twelve (12) carbon atoms as verified by formulation data, and the vapor pressure and boiling points are unknown;
  - (3) Is a chemical compound with a boiling point greater than two hundred and sixteen degrees Celsius (216° C) or ~~sixty-eight degrees Fahrenheit (68° F)~~ **four hundred and twenty-one degrees Fahrenheit (421° F)**, as determined by CARB Method 310; or

- (4) Is the weight percent of a chemical mixture that boils above two hundred and sixteen degrees Celsius (216° C) or ~~sixty-eight degrees Fahrenheit (68° F)~~ **four hundred and twenty-one degrees Fahrenheit (421° F)**, as determined by CARB Method 310;

This Errata Notice's correction to the Adopted Rule 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 30, 2011.

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 4<sup>th</sup> Street, N.W., Suite 520 South, Washington, D.C. 20001, email at [victor.reid@dc.gov](mailto:victor.reid@dc.gov), or via telephone at (202) 727-5090.

**OFFICE OF TAX AND REVENUE****NOTICE OF FINAL 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 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the adoption of amendments to Chapter 4 (Sales and Use Taxes), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR), by amending Section 414.

The newly amended regulations provide updated guidance regarding resale certificates. The guidance in this regulation is necessary to provide clarity to taxpayers attempting to comply with District resale exemption requirements.

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on September 8, 2017 at 64 DCR 8943. Two comments were received. One comment received related to the period of reapplication for the resale certificate. Language was included to clarify that the resale certificates are valid for a period of no longer than one year. A second comment was received regarding the compliance burden that will be placed on taxpayers by this rule. This comment was considered but not accepted.

This rule was adopted as final on October 26, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

**Chapter 4, SALES AND USE TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:****Section 414, PURCHASES FOR RESALE, is amended to read as follows:****414 PURCHASES FOR RESALE**

- 414.1 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 takes in good faith a certificate from the purchaser that the property is purchased for resale.
- 414.2 As of November 1, 2017, for the purposes of determining sales for resale, the Deputy Chief Financial Officer shall only recognize certificates of resale on forms or copies of forms authorized by the District of Columbia Office of Tax and Revenue. Authorized resale certificates must be obtained through an annual process from the Office of Tax and Revenue at its website [mytax.dc.gov](http://mytax.dc.gov).
- 414.3 As of November 1, 2017, an authorized resale certificate shall be valid only for a period of one year and shall include an expiration date. Resale certificates shall be valid only until the expiration date stated on the certificate.

- 414.4 A certificate of resale is only valid if it contains the purchaser's District of Columbia Sales and Use Tax Registration Number.
- 414.5 A purchase is for resale in the following circumstances:
- (a) The person purchases tangible personal property or taxable services for the purpose of resale or rental in the same form;
  - (b) The person purchases tangible personal property or taxable services to incorporate as an attachment to, or as a material part of other tangible personal property to be produced for sale or rental by manufacturing, assembling, processing, or refining; or
  - (c) The person purchases taxable services to use or incorporate in the same form as a material part of other services to be provided for sale or rental.
- 414.6 A vendor shall refuse to accept a resale certificate for property and taxable services which he knows or should know is not for resale. Vendors are expected to exercise reasonable judgment in accepting resale certificates in good faith and will not be protected from paying sales tax on the items purchased with resale certificates that are not for resale if they fail to do so.
- 414.7 If all of a person's purchases of tangible personal property or taxable services from a vendor are for resale (fall within any of the circumstances described in Subsection 414.4), the vendor may accept a blanket certificate of resale from the person.
- 414.8 Each certificate of resale 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.
- 414.9 Certificates of resale which are canceled in accordance with the provisions of the Act and this chapter are void as of the date of cancellation.
- 414.10 If a person purchases tangible personal property or services for purposes other than those enumerated in the certificate of resale, the person cannot use a certificate of resale to exempt the purchase from the tax. The purchaser must reimburse the vendor for the sales tax or file a return and pay use tax on the purchase.
- 414.11 Any vendor who purchases tangible personal property or services under a certificate of resale, who then gives away such tangible personal property or services for no consideration, will be considered to be the consumer or user of the tangible personal property or services. As such, the retailer must reimburse the vendor for the sales tax or file a return and pay the tax as a consumer or user under the use tax, as the case may be.



## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

FORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY;

RM-09-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 9 — NET ENERGY METERING;

RM-13-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 13 — RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980;

RM-29-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 29 — RENEWABLE ENERGY PORTFOLIO STANDARD;

RM-36-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 36 — ELECTRICITY QUALITY OF SERVICE STANDARDS;

RM-40-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 40 — DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES;

RM-41-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 41 — THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES;

RM-42-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 42 — FUEL MIX AND EMISSIONS DISCLOSURE REPORTS; AND

RM-44-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 44 — SUBMETERING AND ENERGY ALLOCATION

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code (“D.C. Official Code”) and in accordance with Section 2-505 of the D.C. Official Code,<sup>1</sup> of its intent to amend the following provisions of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”): Chapter 9 (Net Energy Metering); Chapter 13 (Rules Implementing the Public Utilities Reimbursement Fee Act of 1980); Chapter 29 (Renewable Energy Portfolio Standard); Chapter 36 (Electricity Quality of Service Standards); Chapter 40 (District of Columbia Small Generator Interconnection Rules); Chapter 41 (The District of Columbia Standard Offer Service Rules); Chapter 42 (Fuel Mix and Emissions Disclosure Reports); and Chapter 44 (Submetering and Energy Allocation).

2. The Government of the District of Columbia has established a clear policy of encouraging the deployment of Distributed Energy Resources (“DER”), including distributed

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<sup>1</sup> D.C. Official Code § 34-802 (2012 Repl.); D.C. Official Code § 2-505 (2016 Repl.).

generation, such as solar energy and cogeneration facilities both standing alone as well as part of microgrids. As deployment of distributed generation (“DG”) expands and adjusts to meet demand, the Commission must examine how it can best use its regulatory authority to support the District’s energy goals while simultaneously adhering to current statutes that prohibit the construction of generators and the sale of electricity without first obtaining Commission approval.

3. On March 17, 2016, in Order No. 18144, the Commission sought comments on more general but related questions concerning distributed generation deployment and the nature of a retail sale. These comments were considered by Staff and summarized in the Modernizing the Energy Delivery System for Increased Sustainability (“MEDSIS”) Staff Report, issued in *Formal Case No. 1130* on January 25, 2017. In the MEDSIS Staff Report, Commission Staff also identifies various potential regulatory issues that create uncertainty in the deployment of new technologies on the District’s natural gas and electricity distribution grids and provides recommended actions to address the issues identified. Most notably, Staff recommends that the Commission adopt and amend pertinent DER related definitions in our regulations in order to establish a consistent language for addressing the complex issues related to modernizing the District’s energy systems, especially as it relates to DER deployment, going forward.

4. This NOPR, along with NOPRs issued concurrently concerning Chapter 46 (Electric Supplier Licensing) and Chapter 21 (Provisions for Construction of Electric Generating Facilities and Transmission Lines), aim to provide regulatory clarity. Further, establishing a consistent set of definitions will facilitate public input into modernizing the District’s energy systems. The content of this NOPR is subject to revision should future developments in the MEDSIS Initiative so warrant.

5. Amendments to the above referenced chapters shall take effect in not less than sixty (60) days from the date of publication of this Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register*.

**Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**The following chapters, sections, and subsections are amended as follows:**

**Chapter 9, NET ENERGY METERING, Section 999, DEFINITIONS, Subsection 999.1;**

**Chapter 41, THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES, Section 4199, DEFINITIONS, Subsection 4199.1; and**

**Chapter 42, FUEL MIX AND EMISSIONS DISCLOSURE REPORTS, Section 4299, DEFINITIONS, Section 4299, DEFINITIONS, Subsection 4299.1:**

**The definition of “Electric Company” is amended to read as follows:**

“**Electric company**” includes 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 electricity in the

District of Columbia to retail electric customers, excluding any person or entity distributing electricity from a behind-the-meter generator to a single retail customer behind the same meter and located on the same premise as the customer's meter. In addition, 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 electricity and other electricity 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 electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

**The following chapters, sections, and subsections are amended as follows:**

**Chapter 9, NET ENERGY METERING, Section 999, DEFINITIONS, Subsection 999.1;**

**Chapter 13, RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980, Section 1399, DEFINITIONS, Subsection 1399.1;**

**Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD, Section 2999, DEFINITIONS, Subsection 2999.1;**

**Chapter 36, ELECTRICITY QUALITY OF SERVICE STANDARDS, Section 3699, DEFINITIONS, Section 3699, DEFINITIONS, Subsection 3699.1;**

**Chapter 41, THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES, Section 4199, DEFINITIONS, Subsection 4199.1;**

**Chapter 42, FUEL MIX AND EMISSIONS DISCLOSURE REPORTS, Section 4299, DEFINITIONS, Section 4299, DEFINITIONS, Subsection 4299.1; and**

**Chapter 44, SUBMETERING AND ENERGY ALLOCATION, Section 4499, DEFINITIONS, Section 4499, DEFINITIONS, Subsection 4499.1;**

**The definition for “electricity supplier” or “competitive electricity supplier” is amended as follows:**

**“Electricity supplier” or “competitive electricity supplier”** means a person, including an Aggregator, Broker, or Marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity or electric generation services for sale to customers. The term excludes the following:

- (a) Building owners, lessees, or managers who manage the internal distribution system serving such building and who supply electricity solely to the occupants of the building for use by the occupants;

- (b) Any Person who purchases electricity for its own use or for the use of its subsidiaries or affiliates;
- (c) Any apartment building or office building manager who aggregates electric service requirements for his or her building or buildings, and who does not: (i) Take title to electricity; (ii) Market electric services to the individually-metered tenants of his or her building; or (iii) Engage in the resale of electric services to others;
- (d) Property owners who supply small amounts of power, at cost, as an accommodation to lessors or licensees of the property;
- (e) Consolidators;
- (f) Community Renewable Energy Facilities (CREFs) as defined in Section 4199.1 and as described in Sections 4109.1 through 4109.3 of Title 15, pursuant to the Community Renewable Energy Amendment Act of 2013;
- (g) An Electric Company;
- (h) Nontraditional Marketers; and
- (i) Any person or entity that owns a behind-the-meter generator and sells or supplies the electricity from that generator to a single retail customer or customers behind the same meter located on the same premise.

**The following chapters, sections, and subsections are amended as follows:**

**Chapter 9, NET ENERGY METERING, Section 999, DEFINITIONS, Subsection 999.1;**

**Chapter 13, RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980, Section 1399, DEFINITIONS, Subsection 1399.1;**

**Chapter 36, ELECTRICITY QUALITY OF SERVICE STANDARDS, Section 3699, DEFINITIONS, Subsection 3699.1;**

**Chapter 41, THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES, Section 4199, DEFINITIONS, Subsection 4199.1;**

**Chapter 42, FUEL MIX AND EMISSIONS DISCLOSURE REPORTS, Section 4299, DEFINITIONS, Subsection 4299.1; and**

**Chapter 44, SUBMETERING AND ENERGY ALLOCATION, Section 4499, DEFINITIONS, Subsection 4499.1;**

**The definition for “behind the meter generator” is added to clarify the meaning of “electricity supplier” as follows:**

**“Behind-the-meter generator”** – an on-site generator that is located behind a retail customer’s meter such that no Electric Company-owned transmission or distribution facilities are used to deliver the energy from the generating unit to the on-site load.

The following chapters, sections, and subsections are amended as follows:

**Chapter 9, NET ENERGY METERING, Section 999, DEFINITIONS, Subsection 999.1; and**

**Chapter 40, DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES, Section 4099, DEFINITIONS, Subsection 4099.1:**

The following definitions are added:

**“Battery”** – A device that is able to store electrical energy in the form of chemical energy, and convert that energy into electricity.

**“Back-up generation”** – Any electric generating facility, as defined in D.C. Code Section 34-205, which is connected to the electric distribution system in the District of Columbia and not subject to the Commission’s Small Generator Interconnection Rules because it does not operate parallel to the electric distribution system or operates in parallel less than 100 milliseconds.

**“Cogeneration facility” or “combined heat and power (CHP) facility”** – A system that produces both electric energy, steam, or other forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes.

**“Demand response”** – A reduction or modification in the consumption of electric energy by customers from their expected consumption in response to either an increase in the price of electric energy or to incentive payments.

**“Distributed energy resource” or “DER”** – A source or sink of power sited close to the customer’s load that can provide all or some of the customer’s energy needs and can also be used by the system to either reduce demand (such as demand response) or increase supply to satisfy the energy, capacity, or ancillary service needs of the distribution or transmission system. The resources, if providing electricity or thermal energy, are small in scale, connected to the distribution system, and close to the load. Types of DER include, but are not limited to: photovoltaic solar, wind, cogeneration, energy storage, demand response, electric vehicles, microturbines, biomass, waste-to-energy, generating facilities, and energy efficiency.

**“Distributed generation”** – Any electric generating facility, as defined in D.C. Code Section 34-205, which is connected to the electric distribution

system in the District of Columbia and subject to the Commission's Small Generator Interconnection Rules.

**“Electric vehicle”** – A vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a non-electrical source of power designed to charge batteries and components thereof.

**“Electric storage”** – A resource capable of absorbing electric energy, storing it for a period of time and thereafter dispatching the energy regardless of where the resource is located on the electric distribution system. These resources include all types of electric storage technologies, regardless of their size, storage medium (*e.g.*, batteries, flywheels, electric vehicles, compressed air), or operational purpose.

**“Fly-wheel”** – A device that is able to store electrical energy in the form of kinetic energy, and convert that energy into electricity.

**“Fossil fuel generator”** – Any electric generating facility that utilizes coal, natural gas, or any other petroleum product as a fuel.

**“Fuel cell”** – A device that produces electricity through a chemical reaction between a source fuel and an oxidant.

**“Microgrid”** – A collection of interconnected loads, generation assets, and advanced control equipment, installed across a limited geographic area and within a defined electrical boundary that is capable of disconnecting from the larger electric distribution system. A microgrid may serve a single customer with several structures or serve multiple customers. A microgrid can connect and disconnect from the distribution and or transmission system to enable it to operate in both interconnected or island mode.

**“Microturbine”** – A small combustion turbine with an output of 25 kW to 500 kW.

**“Smart Inverter”** – An inverter that allows Distributed Energy Resources to be controlled or aggregated to perform power support operations that enhance grid reliability. Smart inverters can be used where any inverter-based DC generation is converted into AC and provided to the grid. This includes solar, energy storage, wind, and electric vehicles.

**Chapter 9, NET ENERGY METERING, Section 999, DEFINITIONS, Subsection 999.1, amends the definition of “eligible customer generator” to clarify that the term is synonymous with the term “net energy metering facility”:**

**“Eligible customer-generator” or “net energy metering facility”** means a customer-generator whose net energy metering system for renewable

resources, cogeneration, fuel cells, and or microturbines meets all applicable safety and performance standards.

6. The MEDSIS Staff Report may be reviewed at the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's web site at [www.dcpssc.org](http://www.dcpssc.org). Once at the website, open the "EDOCKET SYSTEM" tab, click on the "Search Current Dockets" and input "FC1130" as the case number and "88" as the item number. Copies of the MEDSIS Staff Report are also available upon request, at a per-page reproduction cost, by contacting the Commission Secretary at (202) 626-5150 or [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov).

7. All persons interested in commenting on the content of this NOPR are invited to submit written comments and reply comments no later than sixty (60) and thirty (30) days, respectively, after the publication of this NOPR in the *D.C. Register*. Written comments should 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, submitted via email to [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov), or through the Commission's website at <http://edocket.dcpssc.org/comments/submitpubliccomments.asp>.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGFORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY; ANDRM21-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 21-PROVISIONS FOR CONSTRUCTION OF ELECTRIC GENERATING FACILITIES AND TRANSMISSION LINES

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 34-301, 34-302, 34-802, and 34-1516 (2012 Repl.) and in accordance with D.C. Official Code § 2-505 (2016 Repl.), hereby gives notice of its intent to amend Chapter 21 (Provisions for Construction of Electric Generating Facilities and Transmission Lines), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than sixty (60) days after publication of this notice in the *D.C. Register*.

2. The Government of the District of Columbia has established a clear policy of encouraging the deployment of Distributed Energy Resources (DER), including distributed generation (DG), such as solar energy facilities, microturbines, and cogeneration both as standalone as well as part of microgrids. As deployment of distributed generation expands and adjusts to meet demand, the Commission must examine how it can best use its broad regulatory authority to support the District's energy goals while simultaneously adhering to current statutes that prohibit the construction of generators and sale of electricity without first obtaining Commission approval.

3. On March 17, 2016, in Order No. 18144, the Commission sought comments on more general but related questions concerning distributed generation deployment and the nature of a retail sale. These comments were considered by Staff and summarized in the Modernizing the Energy Delivery System for Increased Sustainability (MEDSIS) Staff Report, issued in *Formal Case No. 1130* on January 25, 2017. In the MEDSIS Staff Report, Commission Staff also identifies various potential regulatory issues that create uncertainty in the deployment of new technologies on the District's natural gas and electricity distribution grids and provides recommended actions to address the issues identified. Most notably, Staff recommends that the Commission adopt and amend pertinent DER-related definitions in our regulations in order to establish a uniform language for addressing the complex issues related to modernizing the District's energy systems, especially as it relates to DER deployment, going forward.

4. This NOPR, along with NOPRs published concurrently concerning Chapters 9, 13, 29, 36, 40, 41, 42, and 44, work to eliminate any regulatory ambiguity. Finally, the definition of qualifying biomass in these Chapter 21 draft rules differs from the definitions of Tier I and Tier II qualifying biomass in the Commission's Chapter 29 rules governing the



District's Renewable Energy Portfolio Standard (REPS).<sup>1</sup> The Chapter 29 definitions of Tier I and Tier II qualifying biomass are in turn based on the statutory provisions for REPS in D.C. Official Code 34-1431 (2016 Supp.). The Commission's purpose in revising these construction rules is to promote the development of distributed generation and renewable energy as a general matter, while the District's REPS provides specific goals and financial incentives for the development of various renewable energy types. The definitions of biomass in this NOPR and Chapter 29 differ accordingly. The content of this NOPR is subject to revision should future developments in the MEDSIS Initiative so warrant.

**Chapter 21, PROVISIONS FOR CONSTRUCTION OF ELECTRIC GENERATING FACILITIES AND TRANSMISSION LINES, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 2100, APPLICABILITY, is amended as follows:**

**Subsection 2100.1 is amended in its entirety to read as follows:**

2100.1 This chapter shall govern the construction of all electric generating facilities the electricity generated from which will be sold regardless of capacity, overhead transmission lines designed to carry sixty-nine thousand (69,000) volts or more, underground transmission lines in excess of sixty-nine thousand (69,000) volts as well as any substations connected to such lines.

**Subsection 2100.2 is amended in its entirety to read as follows:**

2100.2 No person shall construct an electric generating facility the electricity generated from which will be sold regardless of capacity, unless the Commission first determines, after notice and a hearing that the construction of the facility is in the public interest. Nor shall any person construct an overhead transmission line designed to carry sixty-nine thousand (69,000) volts or greater, or substation connected to such line, unless the project has been approved in accordance with this chapter. Unless specifically required by law or other provision of this chapter, Commission approval shall not be required for the routine repair and replacement activities necessary to maintain an electric generating facility or transmission line.

**Section 2101, APPLICATION FILING REQUIREMENTS, is amended as follows:**

**The title of Section 2101 is renamed as follows:**

**2101 APPLICATION FILING REQUIREMENTS FOR THE CONSTRUCTION OF FOSSIL FUEL, EXCEPT FOR MICROTURBINE, AND WASTE-TO-ENERGY ELECTRIC GENERATING FACILITIES. TRANSMISSION LINES, AND SUBSTATION CONNECTED TO TRANSMISSION LINE**

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<sup>1</sup> See 15 DCMR § 2999.1 (2012 Repl.).

**Subsection 2101.1 is amended in its entirety to read as follows:**

- 2101.1 An application for approval of the construction of a fossil fuel (except for a microturbine) or waste-to-energy generating facility, transmission line, or substation covered under this chapter shall include the following information:
- (a) The name and address of the principal place of business of the applicant;
  - (b) The name, title, and address of the person authorized to receive notices and communications with respect to the application;
  - (c) The location or locations where the public may inspect or obtain a copy of the application;
  - (d) A list of each District of Columbia, state, or federal government agency having authority to approve or disapprove the construction or operation of the project and containing the following:
    - (1) A statement indicating whether the necessary approval from each agency has been obtained, with a copy of each approval or disapproval attached;
    - (2) A statement indicating the circumstances under which any necessary approval has not been obtained; and
    - (3) A statement indicating whether any waiver or variance has been requested, with a copy of each approval or disapproval attached.
  - (e) A general description of the generating station under § 2102, or the transmission line under § 2104, and the alternatives considered under §§ 2103 and 2104, respectively;
  - (f) The environmental information required under § 2108;
  - (g) A statement of the engineering justifications for the project;
  - (h) A statement of the safety considerations incorporated into the design, construction, and maintenance of the project;
  - (i) A statement of the socioeconomic impact of the project;
  - (j) A statement of contacts with community groups and the affected community;

- (k) A statement that the applicant has complied with all applicable environmental and zoning laws; and
- (l) A statement that the applicant has complied or will comply with the applicable PJM Interconnection, L.L.C. (PJM) tariff and requirements for the interconnection of new and expanded electric generating facilities within the PJM transmission system.

**Section 2102, DESCRIPTION OF GENERATING FACILITY, is amended as follows:**

**The title of Section 2102 is renamed as follows:**

**2102 DESCRIPTION OF FOSSIL FUEL (EXCEPT FOR MICROTURBINE) OR SOLID WASTE ELECTRIC GENERATING FACILITY**

**Subsection 2102.1 is amended in its entirety to read as follows:**

2102.1 The description of the fossil fuel (except for microturbine) or waste-to-energy generating facility shall include the following:

- (a) Location;
- (b) All important design and engineering features, including fuel requirements, heat rates, emission rates, space requirements, transportation facilities, water requirements, and transmission requirements;
- (c) Operational features, including operation and maintenance personnel and equipment;
- (d) The schedule for engineering, construction, and operation of the generating stations;
- (e) The impact of the proposed generating station on system operations, reliability, reserve margins, and capacity factors;
- (f) A statement of the reasons for the selection of the design and the site of the generating facility, including the location and identification of the following sites from which the project would be clearly visible:
  - (1) Residential structures;
  - (2) Historical structure and land sites;
  - (3) Institutional land, including school hospitals, and pre-school facilities;
  - (4) Recreational area;

- (5) Aesthetic;
- (6) Archaeological;
- (7) Wildlife management area; and
- (8) Park or forest.

**Section 2103, ALTERNATIVE GENERATING FACILITY, is amended as follows:**

**The title of Section 2103 is renamed as follows:**

**2103 ALTERNATIVE FOSSIL FUEL (EXCEPT FOR MICROTURBINE) OR WASTE-TO-ENERGY GENERATING FACILITY**

**Subsection 2103.1 is amended in its entirety to read as follows:**

2103.1 The description of each alternative design or site considered for a fossil fuel (except for a microturbine) or waste-to-energy generating facility shall include the following:

The reasons for rejecting each alternative design or site.

**Section 2106, PROJECT COORDINATING COMMITTEE, is amended as follows:**

**The title of Section 2106 is renamed as follows:**

**2106 PROJECT COORDINATING COMMITTEE FOR FOSSIL FUEL (EXCEPT FOR MICROTURBINE) OR WASTE-TO-ENERGY GENERATING FACILITY, TRANSMISSION LINE, OR SUBSTATION CONNECTED TO TRANSMISSION LINE APPLICANT**

**Subsection 2106.1 is amended in its entirety to read as follows:**

2106.1 Once an application for a fossil fuel (except for a microturbine) or waste-to-energy generating facility, transmission line, or substation connected to transmission line has been properly filed, the applicant may request the formation of a project coordinating committee. If the request is approved, the Committee shall consist of the following members:

- (a) A chairperson, who shall be designated by the Commission;
- (b) A representative of the applicant;

- (c) A representative from the Office of the People’s Counsel, if a notice of intent to participate on the committee is filed within ten (10) days of the date of the filing of a request to form a project coordinating committee;
- (d) A representative from each District of Columbia agency that has as follows:
  - (1) Authority to issue a license, permit, or authorization before the construction or operation of the project; or
  - (2) A direct interest in the project.
- (e) Pepco, if Pepco is not the applicant.
- (f) A representative designated by the Executive Office of the Mayor; and
- (g) A representative of any federal agency or independent system operator that, in the Commission’s view, has an interest in the project.

**Section 2107, COMMUNITY ADVISORY GROUP, is amended as follows:**

**Subsection 2107.1 is amended in its entirety to read as follows:**

2107.1 In order to inform and educate the community regarding the construction and operation of any proposed fossil fuel or waste-to-energy project, the applicant shall convene a community advisory group.

**Section 2108, ENVIRONMENTAL IMPACT STATEMENT, is amended as follows:**

**The title of Section 2108 is renamed as follows:**

**2108 ENVIRONMENTAL IMPACT STATEMENT FOR FOSSIL FUEL, EXCEPT FOR MICROTURBINE, OR WASTE-TO-ENERGY GENERATING FACILITY, TRANSMISSION LINE, OR SUBSTATION CONNECTED TO TRANSMISSION LINE**

**Subsection 2108.1 is amended in its entirety to read as follows:**

2108.1 The applicant for a fossil fuel (except for a microturbine) or waste-to-energy generating facility, transmission line, or substation connected to transmission line shall submit an Environmental Impact Statement (EIS). At a minimum, the EIS shall evaluate the following potential environmental impacts:

- (a) Air quality, National Ambient Air Quality Standards (NAAQS). The analysis of air quality shall include an analysis of the following six (6) criteria pollutants in the context of NAAQS:

- (1) Sulfur dioxide;
  - (2) Nitrogen oxides;
  - (3) Carbon monoxide;
  - (4) Particulate matter (PM 2.5 and PM10);
  - (5) Ozone; and
  - (6) Lead.
- (b) Air Quality, other emissions: The analysis of air quality shall include all other emissions regulated for the utility industry under the Federal Clean Air Act;
- (c) Surface and ground water resources. The analysis of surface and ground water resources shall include the following:
- (1) Water availability; and
  - (2) Water quality, including discharge, storm water runoff, and potential spill events.
- (d) Land use, socioeconomic, and aesthetic conditions: The analysis of these items shall evaluate, at a minimum, the following:
- (1) Appropriate zoning and compatibility with adjacent land use;
  - (2) Impact on traffic;
  - (3) Impact on cultural and historical resources; and
  - (4) Visibility impacts in terms of air pollution effects and aesthetics.
- (e) Noise conditions: The analysis of noise shall include the following:
- (1) A complete review of standards that will be met;
  - (2) The points of measurement for noise impacts;
  - (3) A comparison of the impact of the action to common outdoor sounds at that location; and

- (4) A complete explanation of the methodology used for the noise impact measurements.
- (f) Aquatic and terrestrial ecology resources: The analysis of aquatic and terrestrial ecology shall evaluate the impact upon the following:
  - (1) Fish;
  - (2) Wildlife;
  - (3) Vegetation; and
  - (4) Direct discharges into surface waters and impact on wetland habitats; and
- (g) Electric and magnetic fields (EMF): Until applicable laws governing EMF are enacted, the applicant shall submit the following information:
  - (1) An update of the general research on the health effects of EMF;
  - (2) The relationship of the proposed action to the increase or decrease of EMF, including any mitigating measures that could be employed to decrease EMF;
  - (3) The applicant’s efforts to measure and better understand background EMF in the communities affected by the proposed action; and
  - (4) If and when laws are enacted, then the EIS shall demonstrate compliance with all applicable laws.

**Section 2109, PHASED PROCEEDINGS ON THE APPLICATION, is amended as follows:**

**The title of Section 2109 is renamed as follows:**

**2109 PHASED PROCEEDINGS ON THE APPLICATION FOR FOSSIL FUEL (EXCEPT FOR MICROTURBINE) OR WASTE-TO-ENERGY GENERATING FACILITY, TRANSMISSION LINE, OR SUBSTATION CONNECTED TO TRANSMISSION LINE**

**Subsection 2109.1 is amended to read as follows:**

2109.1 The applicant for a fossil fuel (except for a microturbine) or waste-to-energy generating facility, transmission line, or substation connected to transmission line may request, or the Commission may on its own initiative direct, that the construction project be reviewed in two (2) or more phases.

The previous Section 2111, UNDERGROUND TRANSMISSION LINES IN EXCESS OF SIXTY-NINE THOUSAND VOLTS AND SUBSTATIONS CONNECTED TO SUCH LINES, is renumbered Section 2110.

Add a new Section 2111 to read as follows:

**2111 APPLICATION FILING REQUIREMENTS FOR THE CONSTRUCTION OF RENEWABLE ENERGY, MICROTURBINE, COMBINED HEAT AND POWER, AND FUEL CELL ELECTRIC GENERATING FACILITIES**

2111.1 An application for approval of the construction of a renewable energy, microturbine, combined heat and power, or fuel cell electric generating facility covered under this chapter shall include the following information:

- (a) The name, if any, and address of the facility;
- (b) The name and address of the owner of the facility;
- (c) The name and address of the operator of the facility;
- (d) The name and address of the contact person;
- (e) Fuel types:
  - (1) Solar energy, describe the system (photovoltaic or thermal; manufacturer/supplier; model name/number; system orientation, tilt and azimuth; and type of meter, including model number and name);
  - (2) Wind;
  - (3) Qualifying biomass;
  - (4) Methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;
  - (5) Geothermal;
  - (6) Ocean, including energy from waves, tides, currents, and thermal differences;
  - (7) Fuel cells (identify source fuel);
  - (8) Fossil fuel type (for microturbine only);



- (9) Hydroelectric power other than pumped storage;
- (10) Liquid biofuels, including ethanol, biodiesel (vegetable oils and liquid animal fats), green diesel (derived from algae, grass, and other plant sources), and biogas (methane derived from animal manure and other digested organic material).
- (f) Rated capacity in MW, to one decimal place, or in KW;
- (g) Operational start date or date of approved interconnection with Pepco; and
- (h) Whether the facility is a behind-the-meter generator.

2111.2 Unless an objection is filed in response to an application under this subsection or the Commission issues a procedure schedule to further consider the application within twenty (20) business days, an application shall be deemed approved.

**The previous Section 2110, ANNUAL REPORT ON SMALLER SCALE CONSTRUCTION, is renumbered Section 2112.**

**The previous Section 2112, WAIVERS AND MODIFICATIONS, is renumbered Section 2113.**

**Section 2199, DEFINITIONS, is amended as follows:**

**The following definitions are added to Subsection 2199.1:**

**“Brush”** means shrubs and stands of short, scrubby trees that do not reach merchantable size.

**“Combined heat and power facility”** means a system that produces both electric energy and steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes.

**“Dunnage”** means loose materials or padding used to support or protect cargo within shipping containers.

**“Electric generating facility”** means all buildings, easements, real estate, mains, pipes, conduits, fixtures, meters, wires, poles, lamps, devices, and materials of any kind operated, owned, used, or to be used by a person for the generation of electricity. The term includes all buildings, easements, real estate, mains, pipes, conduits, fixtures, meters, wires, poles, lamps, devices, and materials of any kind operated, owned, used, or to be used by a person for cogeneration of electricity.

“**Fuel cell**” means a device that produces electricity through a chemical reaction between a source fuel and an oxidant.

“**Microturbine**” means a small combustion turbine with an output of 25 kW to 500 kW.

“**Qualifying biomass**” means a solid, non-hazardous, cellulosic waste material that is segregated from other waste materials, and is derived from any of the following forest- related resources, with the exception of old growth timber, unsegregated solid waste, or post-consumer wastepaper:

- (a) Mill residue;
- (b) Precommercial soft wood thinning;
- (c) Slash;
- (d) Brush;
- (e) Yard waste;
- (f) A waste pallet, crate, or dunnage;
- (g) Agricultural sources, including tree crops, vineyard materials, grain, legumes, sugar, and other crop by products or residues; or
- (h) Cofired biomass.

“**Slash**” means:

- (a) Tree tops, branches, bark, or other residue left on the ground after logging or other forestry operations; or
- (b) Tree debris left after a natural catastrophe.

“**Solar energy**” means radiant energy, direct, diffuse, or reflected, received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy.

“**Waste-to-energy**” means waste treatment, including the use of a licensed facility that burns waste resources in high-efficiency furnaces/boilers, to produce electricity. Such resources include municipal solid waste and non-qualifying biomass but exclude waste coal.

5. Any person interested in commenting on the subject matter of this NOPR may submit written comments and reply comments sixty (60) and thirty (30) days, respectively, after the publication of this NOPR in the *D.C. Register*. Comments and reply comments are to be

addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington D.C., 20005, via email to [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov), or through the Commission's website at <http://edocket.dcpsc.org/comments/submitpubliccomments.asp>. After the comment period expires, the Commission will take final rulemaking action. Persons with questions concerning this NOPR should call (202) 626-5150.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FOURTH PROPOSED RULEMAKINGRM46-2015-01-E, IN THE MATTER OF THE INVESTIGATION INTO THE PUBLIC SERVICE COMMISSION'S RULES GOVERNING THE LICENSURE AND BONDING OF ELECTRIC SUPPLIERS 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

The Public Service Commission of the District of Columbia ("Commission"), pursuant to its authority under the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code §§ 34-1501-1520 (2012 Repl.)) ("1999 Act"), hereby gives notice of its intent to adopt Chapter 46 (Licensure of Electricity Suppliers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations ("DCMR").

Chapter 46 establishes the rules governing the licensure and bonding of Electricity Suppliers in the District of Columbia, pursuant to the Retail Electric Competition and Consumer Protection Act of 1999 as codified in Sections 34-1501 through 1520 of the D.C. Code. Currently, the requirements for licensing Electricity Suppliers are set forth in *Formal Case No. 945*, Order No. 11796, rel. September 18, 2000. Bonding requirements for Electric Suppliers are set forth in *Formal Case No. 945*, Order No. 11862, rel. December 18, 2000.

On February 6, 2015, the Public Service Commission of the District of Columbia (Commission), pursuant to D.C. Official Code §§ 34-1501 – 1520 (2012 Repl.), gave notice of the proposed adoption of new rules at 62 DCR 001712). On February 17, 2017, the Commission published a Notice of Second Proposed Rulemaking (NOPR) at 64 DCR 001818, with revisions based upon recommendations put forth by interested persons at a technical conference and comments filed on the February 6, 2015 NOPR publication. On August 11, 2017, the Commission published a Third NOPR at 64 DCR 007984, with revisions based upon comments filed in response to the Third NOPR.

This Fourth NOPR supersedes the previous Third NOPR published on August 11, 2017 at 64 DCR 007984. Like the prior three NOPRs, this Fourth NOPR combines the licensing and bonding requirements in a single Chapter. This Fourth NOPR includes the following attachments: (1) Supplier Application; (2) Form of Integrity Bond for Electric Suppliers other than Aggregators and Brokers-Surety Bond; (3) Form of Integrity Bond for Aggregators and Brokers-Surety Bond; and (4) Form of Customer Payments Bond-Surety Bond.

In this Fourth NOPR, the following sections have substantive changes: (1) § 4603.11; (2) § 4603.13; and § 4608.1(a). Also, the following sections were changed to reflect consistency with

the Retail Natural Gas Licensing Supplier Rules, where appropriate: (1) § 4601.2 (d)(g)(h)(1)(i)(j)(k)(l)(m); (2) § 4602.1; (3) § 4602.2; (4) § 4603.5; (5) § 4603.6; (6) § 4603.7; (7) § 4603.9; (8) § 4603.10; (9) § 4603.12; (10) § 4603.14; (11) § 4603.16; (12) § 4603.17; (13) § 4603.19; (14) § 4604.1; (15) § 4605.1; (16) §§ 4605.2 (b) and (c); (17) § 4605.3; (c); (18) § 4605.4; (19) § 4605.6; (20) §§ 4606.1 (a) and (b); (21) §§ 4606.3(a), (b); (22) § 4606.4(e); (23) § 4606.6; (24) § 4607.1; (25) § 4608.2; (26) § 4609.1; (27) § 4609.2 (b)(d)(h)(l)(t)(u)(v)(w)(x); (28) § 4610.1(c); and (29) § 4699.

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).

**Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended to add a new Chapter 46 as follows:**

**CHAPTER 46 LICENSURE OF ELECTRICITY SUPPLIERS**

- 4600 APPLICABILITY**
- 4601 LICENSING REQUIREMENTS**
- 4602 COMMISSION ASSESSMENT AND FEES**
- 4603 LICENSING PROCEDURES**
- 4604 ELECTRICITY SUPPLIER EDUCATION WORKSHOP**
- 4605 BOND REQUIREMENTS FOR ELECTRICITY SUPPLIERS COLLECTING DEPOSITS OR PREPAYMENTS (“CUSTOMER PAYMENTS BOND”)**
- 4606 BOND REQUIREMENTS FOR FINANCIAL INTEGRITY (“INTEGRITY BOND”)**
- 4607 PRIVACY PROTECTION POLICY**
- 4608 COMMISSION REPORTING REQUIREMENTS**
- 4609 COMMISSION ACTION REGARDING A LICENSEE**
- 4610 SANCTION AND ENFORCEMENT**
- 4699 DEFINITIONS**

**4600 APPLICABILITY**

- 4600.1 **Application.** These rules apply to a Person who engages in the business of an Electricity Supplier in the District of Columbia.
- 4600.2 **Purpose.** These rules provide uniform requirements for obtaining any form of an Electricity 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.
- 4600.3 **Restrictions.** No Person shall present itself as a licensed retail Electricity Supplier, perform the duties of an Electricity 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.

**4601 LICENSING REQUIREMENTS**

4601.1 **Persons Subject to Licensing Requirements.** Any Person who engages in the business of an Electricity Supplier in the District of Columbia shall hold an Electricity Supplier License issued by the Commission.

4601.2 **Application Information Requirements for Electricity Suppliers.** An Application for an Electricity Supplier License and an Application for renewal of an Electricity 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 Independent System Operator, or Regional Transmission Operator 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 §§ 4605 and 4606;
- (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 Electric Competition and Consumer Protection Act of 1999 (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 the Office of the People's Counsel (OPC) imposed assessments and Commission 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 website address;
- (j) A sample copy of each of the Electricity Supplier's electricity supply Customer contracts (e.g., fixed, variable) and a sample bill;
- (k) The name and contact information for the Electricity Supplier's designated contact Person for Customer 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 an Electricity Supplier in the District of Columbia;
- (m) Any other information required by the Commission.

#### **4602 COMMISSION ASSESSMENT AND FEES**

- 4602.1 The Licensee or the Electricity Supplier shall pay an assessment for the costs and expenses of the Commission and OPC as required by D.C. Official Code § 34-912 (b).
- 4602.2 The Licensee or the Electricity 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 Electricity Supplier owes any outstanding assessment and/or fee to the Commission, OPC, or both.

#### **4603 LICENSING PROCEDURES**

- 4603.1 **Scope.** These procedures apply to an Application for an Electricity Supplier License before the Commission and the review of an Electricity Supplier License.
- 4603.2 **Form.** An Application for a Electricity 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 \$400.00.
- 4603.3 **Number of copies; Service.** Each Applicant shall file a signed and verified original and an electronic version of their application and attachments.

- 4603.4      **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.
- 4603.5      **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 is complete and 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.
- 4603.6      **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.
- 4603.7      **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's determination shall also be served on the Applicant and the Office of the People's Counsel ("OPC").



- 4603.8 **Licensee's Update Information.** A licensed Electricity Supplier shall comply with any information update requirements or supplemental information requirements established by Commission rules or in Commission orders.
- 4603.9 **Term of Electricity Supplier License.** An Electricity Supplier License is valid until revoked by the Commission or surrendered by the Licensed Electricity Supplier. An Electricity Supplier is subject to review every five (5) years after the date on which the license was issued or was last reviewed. Not less than forty-five (45) days before the five-year anniversary of the date on which the licensee was issued or was last reviewed; an Electricity Supplier shall file with the Commission a review application pursuant to the licensing requirements and procedures set forth in Sections 4601 and 4603. The Commission shall complete its review of the review application within thirty (30) days after its filing. Licensed Electricity Suppliers shall submit a review application not less than forty-five (45) days before five years after the effective date of this chapter.
- 4603.10 **Transfer of Electricity Supplier License.** An Electricity 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 an Electricity Supplier License (see Attachment A) with the Commission Secretary. After receiving the Transfer Application, the Commission shall give public notice of the Transfer Application 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 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 OPC.
- 4603.11 **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 (3) business days before the Licensee begins soliciting or marketing to Customers directly or 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 of District consumers. The notice shall include the name of the licensed Electricity 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 Electricity 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. All door-to-door sales representatives and agents 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. The Electricity Supplier shall maintain the photo identification record for a period of six months after the representative or agent has been employed or marketing on the Electricity Supplier's behalf.

- 4603.12 **Electronic Solicitation.** For the purpose of monitoring compliance with 15 DCMR Chapter 3 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.
- 4603.13 **Serving Customers.** A Licensee shall do the following before it begins to serve Customers in the District of Columbia:
- (a) Notify the Commission of the 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 received reasonable training on the relevant provisions of Chapters 3 and 46 of Title 15 DCMR before they begin soliciting Customers in the District of Columbia.
- 4603.14 **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 electricity:
- (a) All Customers in the District of Columbia; or
  - (b) 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.
- 4603.15 **Electric Company and Licensee Responsibilities in the Event of Default.** In the event of a default, the Licensee and the Electric Company shall abide by the

District of Columbia Electricity Supplier Coordination Tariff. Also, a Defaulted Licensee using consolidated billing services remains obligated to provide the Electric Company with information necessary to allow the Electric 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 Electric Company. In order that a Defaulted Licensee's charges may be included in the Electric Company's consolidated billing services, a Defaulted Licensee and the Electric Company shall abide by the District of Columbia's Electricity Supplier Coordination Tariff.

- 4603.16 **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 Electric Company and to file notice with the Commission notifying them of its default. Upon receipt of notice of a Licensee's default from the defaulting Licensee or from the Regional Transmission Organization, the Electric Company shall immediately provide the defaulting Licensee's Customers Standard Offer Service (SOS) in accordance with the SOS Administrator's Retail Electric Service Tariff, unless or until a Customer notifies the SOS Provider that the Customer has selected a new Electricity Supplier.
- 4603.17 **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 Electricity Supplier License suspended or revoked or be otherwise penalized in accordance with applicable law and the provisions of the Commission's rules in Section 4610.
- 4603.18 **Filing of Electronic Data Interchange Trading Partner Agreement and Supplier Coordination Agreement.** Every Licensee shall execute and file with the Commission Secretary a copy of the Electronic Data Interchange Trading Partner Agreement and Supplier Coordination Agreement entered into with the Electric Company within ten (10) days of execution of such agreements.
- 4603.19 **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 15 DCMR § 150 (Confidential or Proprietary Information).

**4604 ELECTRICITY SUPPLIER EDUCATION WORKSHOP**

4604.1 **Electricity Supplier Education Workshop.** Within one hundred eighty (180) days of approval of a license Application or within one 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 Electricity 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 Electricity Supplier Education Workshop sponsored by the Commission or is otherwise knowledgeable with respect to the Commission's Electricity Supplier rules.

**4605 BOND REQUIREMENTS FOR ELECTRICITY SUPPLIERS COLLECTING DEPOSITS OR PREPAYMENTS ("CUSTOMER PAYMENTS BOND")**

4605.1 **Applicability.**

Any Electricity 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 any 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 Electricity 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 a 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 is applied.

4605.2 **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 B (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 Application, the Licensee shall provide to the Commission with any 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.

4605.3

**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 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 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).

4605.4

**Commission Verification.** Each Licensee shall provide appropriate certification, at the intervals discussed in Subsection 4605.2, 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.

4605.5        **Compliance Investigations.** The Commission may initiate appropriate investigations if it determines an Electricity 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.

4605.6        **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.

**4606        BOND REQUIREMENTS FOR FINANCIAL INTEGRITY ("INTEGRITY BOND")**

4606.1        **Exclusion.**

- (a)        An Electricity Supplier or Licensee that cannot provide evidence to the satisfaction of the Commission that it meets the standards listed in Subsection 4606.2 will be required to submit an initial Integrity Bond of fifty thousand dollars (\$50,000), unless that Electricity Supplier or Licensee is applying to provide service as an Aggregator (as defined in D.C. Official Code § 34-1501(2) and Section 4699(B)) who does not take title to electricity or as a Broker (as defined in D.C. Official Code § 34-1501(7) and Section 4699(B)), in which case a ten thousand dollar (\$10,000) Integrity Bond will be required. However, an Electricity Supplier or Licensee that meets the standards listed in Subsection 4606.2 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 4606.3 below, 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.

4606.2 **Applicability.** Any Electricity 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.

4606.3 **Procedure for Determining Amount of a Financial Integrity Bond**

- (a) **Initial Integrity Bond:** Any Electricity Supplier that cannot meet the above criteria for financial integrity shall post an Integrity Bond of fifty thousand dollars (\$50,000), unless that Electricity Supplier is applying as an Aggregator that does not take title to electricity or a Broker. If the Electricity Supplier is applying to provide service as an Aggregator that does not take title to electricity 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 electricity market at the time that a

Licensee submits updated information, taking into consideration the Licensee's past experience with the Commission and with its Customers. The Commission may request such information from the Licensee as may be necessary to make its evaluation.

4606.4 **Form of the Bond.** Any Electricity 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 C (Form of Integrity Bond for Electricity Suppliers and Marketers-Surety Bond, or Attachment D (Form of Integrity Bond for Aggregators and Brokers-Surety Bond).

4606.5 **Commission Verification.** Each Licensee shall provide appropriate certification at the intervals discussed in the above paragraphs. The Commission may request such information from the Licensee as is necessary to verify the accuracy of the certification at any time.

4606.6 **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.

4606.7 **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.

#### **4607 PRIVACY PROTECTION POLICY**

4607.1 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) within ninety (90) days of the effective date of this chapter, or within sixty (60) days of approval of their Electricity 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 electricity.

#### **4608 COMMISSION REPORTING REQUIREMENTS**

4608.1 **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 three (3) business days before 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 and prior to soliciting Customers under that new name.

4608.2 **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 4605.2(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.

**4609 COMMISSION ACTION REGARDING A LICENSEE**

4609.1 **Commission Investigation.** The Commission may initiate an investigation of a Licensee upon its own motion or upon the complaint of the OPC, 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.

4609.2 **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) 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) 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 partly on 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 electricity 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 electricity for its Customers when the failure is attributable to the actions of the Electricity 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 Electric 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 §§ 327.7 - 327.13);
- (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);
- (v) Failure of a Licensee, who has not initially started serving Customers in the District to notify the Commission and OPC within (3) business days before the Licensee begins soliciting or marketing to Customers directly or through an authorized representative per Subsection 4603.11. 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 Electric 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 § 34-1508; or
- (x) Failure to comply with any Commission regulation or order.

**4610****SANCTIONS AND ENFORCEMENT**

## 4610.1

**Sanctions.** Electricity 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 ten thousand dollars (\$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 an Electricity Supplier to issue a full refund for all charges billed or collected by the Licensee or Electricity Supplier or a credit to the Customer's account. Specifically,
  - (1) If slamming occurred, the Licensee or the Electricity Supplier shall refund to the Customer all monies paid to the Licensee or the Electricity Supplier; and

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

(c) **Cease and Desist Order.** The Commission may order the Licensee or the Electricity 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 an Electricity Supplier;**

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

(f) **Revocation of a Licensee's License.**

4610.2 **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 Electricity Supplier that the Commission considers necessary in order to resolve the matter under investigation.

4610.3 **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 electric supply in the District of Columbia is or will be harmed by the actions of a Licensee or an Electricity Supplier.

## 4699 DEFINITIONS

4699.1 For the Purposes of these rules, the following terms have the meanings indicated.

**Act:** The Retail Competition and Consumer Protection Act of 1999.

**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 electricity.

**Applicant:** A Person who applies for an Electricity Supplier License required by the Act.

**Application:** The written request by a Person for an Electricity Supplier License in a form specified by the Commission. The Application form for an Electricity 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 electricity but who does not take title to electricity and who is not a Consolidator.

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

**Competitive Billing:** The right of a Customer to receive a single bill from the Electric Company, a single bill from the Electricity Supplier, or separate bills from the Electric Company and the Electricity 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 electric energy service provider for electric energy services for those properties, and who: (A) Does not take title to electric energy; (B) Does not sell electric energy to or purchase electric energy for buildings not owned or managed by such owner or property manager; (C) Does not offer aggregation of electric energy services to other, unrelated end-users; and (D) Arranges for the purchase of electric energy services only from duly licensed Electricity Suppliers or Aggregators.

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

**Customer:** A purchaser of electricity 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 electricity solely to occupants of the building for use by the occupants.

**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.

**Days:** Calendar days, unless otherwise expressly defined.

**Deposits:** Any payment made by a Customer to an Electricity Supplier to secure the receipt of electric energy services from the Electricity Supplier.

**Defaulted Licensee:** A Licensee is in default and is unable to deliver electricity because: (1) the Commission revokes or suspends the Electricity Supplier's retail Electricity Supplier License; or (2) the Licensee is unable to transact sales through the Regional Transmission Organization designated for the District of Columbia by the Federal Energy Regulatory Commission.

**District of Columbia Electricity Supplier Coordination Tariff:** The document that sets forth the basic requirements for interaction and coordination between the Electric Company as the Local Distribution Company and each Electricity Supplier necessary for ensuring the delivery of competitive power supply from Electricity Suppliers to their Customers via the Company's distribution system.

**Electric Company:** Includes 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 electricity in the District of Columbia to retail electric 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 electricity and other electricity 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 electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

**Electricity Supplier:** A person, including an Aggregator, Broker, or Marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity or electric generation services for sale to Customers. The term excludes the following:

- (a) Building owners, lessees, or managers who manage the internal distribution system serving such building and who supply electricity solely to the occupants of the building for use by the occupants;
- (b) Any Person who purchases electricity for its own use or for the use of its subsidiaries or affiliates and does not resell it to its subsidiaries or affiliates;

- (c) Any apartment building or office building manager who aggregates electric service requirements for his or her building or buildings, or who does not: (1) Take title to electricity; (2) Market electric services to the individually-metered tenants of his or her building; or (3) Engage in the resale of electric services to others;
- (d) Property owners who supply small amounts of power, at cost, as an accommodation to lessors or licensees of the property;
- (e) A Consolidator;
- (f) A Community Renewable Energy Facilities (“CREFs”) as defined in Subsection 4199.1 and as described in Subsections 4109.1 through 4109.3 pursuant to the Community Renewable Energy Amendment Act of 2013;
- (g) An Electric Company, and;
- (h) Nontraditional Marketers.

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

**Electronic Data Interchange Trading Partner Agreement:** The agreement between the Electric Company and the Electricity Supplier that sets out the terms and conditions between the parties governing Electronic Data Interchange (EDI)

**Independent System Operator or “ISO”:** An entity authorized by the Federal Energy Regulatory Commission to manage and control the electric transmission grid in a state or region.

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

**Integrity Bond:** A bond that is required of an Electricity Supplier who cannot provide credible evidence that it meets the standards listed in section 4606.2 of this Chapter.

**Licensee:** An Electricity Supplier who has been granted a valid Electricity Supplier License by the Commission.



**Marketer:** A Person who purchases and takes title to electricity in order to resell electricity to Customers.

**Market Participant:** Any Electricity Supplier (including an affiliate of the Electric Company) or any Person providing billing services or services declared by the Commission to be potentially competitive services.

**Nontraditional Marketers:** A community-based organization, civic, fraternal or business association that works with a licensed Electricity Supplier as an agent to market electricity to its members or constituents. A Nontraditional Marketer: (i) conducts its transactions through a licensed Electricity Supplier; (ii) does not collect revenue directly from retail Customers; (iii) does not require its members or constituents to obtain its electricity through the Nontraditional Marketer or a specific licensed Electricity Supplier; and (iv) is not responsible for the payment of the costs of the electricity 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 and/or small commercial consumer to an Electricity Supplier for services that have not been rendered at the time of payment, subject to the following:

- (a) Where an Electricity Supplier charges for services based on a quantity of electricity, such as a price per kilowatt/hour, then Prepayments include any payments for any quantity that has not been delivered to the Customer or Consumer at the time of payment;
- (b) Where an Electricity 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 Electricity Supplier for the period of time less the prorated value of the period of time for which services have been rendered;
- (c) Where an Electricity Supplier charges for services based on a measure other than quantity of electricity delivered or a period of time, the Commission shall determine, on a case-by-case basis, whether the charges involve a prepayment; and
- (d) Prepayments do not include any funds received in advance of the services being rendered as a result of the Customer's or

Consumer's voluntary participation in a budget billing or level billing plan by which the consumer's anticipated electrical costs are averaged over a period of time.

**Regional Transmission Organization or “RTO”:** An entity designated by the Federal Energy Regulatory Commission to direct operations of the regional electric transmission grid in its area to ensure electric grid reliability.

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

**Residential Customers:** Any Customer served under the Potomac Electric Power Company ("Pepco") Rate Schedule DC-R, DC-AE, DC-RAD, DC-RAD-AE, DC-R-TM, or DC-MMA, subject to any revisions made to those tariff sheets by the Commission in the latest rate case.

**Slamming:** The unauthorized switching of a Customer’s electric supplier Account without the express authorization of the Customer.

**Small Commercial Customers:** Any Customer served under Pepco Rate schedule DC-GS or DC-GS-3A, subject to any revisions made to those tariff sheets by the Commission in the latest rate case. Small commercial Customers exclude accounts on the above rate schedules in: (1) apartment buildings with four or more units; (2) commercial office buildings; (3) accounts owned or managed by a Consolidator; and (4) Community Renewable Energy Facilities subscribers.

**Solicitation:** A communication in any medium that urges a customer to Contract for receipt of electricity from an Energy Supplier. Types of Solicitation may include, but are not limited to, telephone Solicitation, radio advertisements, print advertisements, home Solicitations, electronic advertisements (i.e. Internet), newspaper advertisements, and written Solicitations.

**Standard Offer Service or SOS:** Electricity supply made available to: (1) Customers who contract for electricity with an Electricity Supplier, but who fail to receive delivery of electricity under such contracts; (2) Customers who cannot arrange to purchase electricity from an Electricity Supplier; and (3) Customers who do not choose an Electricity Supplier.

**SOS Administrator:** The provider of Standard Offer Service mandated by D.C. Official Code § 34-1509.

**Supplier Coordination Agreement:** The agreement between the Electric Company and the Electricity Supplier whereby the Electric Company

agrees to supply, and the Electricity Supplier requests and agrees to take, all "Coordination Services" pursuant to the Electric Company's Electricity Supplier Tariff.

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

All persons interested in commenting on the subject matter of this NOPR and Attachments may submit written comments no later than thirty (30) days 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., Eighth Floor, Washington, D.C. 20005 or at the Commission's website at [www.dcpsc.org](http://www.dcpsc.org). Persons with questions concerning this Notice should call 202-626-5150.

**ATTACHMENT A****APPLICATION FOR LICENSE TO SUPPLY ELECTRICITY  
OR ELECTRIC GENERATION SERVICES 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](mailto: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/Electricity 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/Electricity 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 (as defined in the "Retail Electric Competition and Consumer Protection Act of 1999" at Section 101(2) and as defined in Commission regulations) who does not take title to electricity as part of providing that service or if you are providing service as a Broker (as defined in the "Retail Competition and Consumer Protection Act of 1999" as Section 101(7) as defined in Commission regulations), 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 Electricity Suppliers and the provision of electricity and electric generation services are addressed in detail in the "Retail Electric Competition and Consumer Protection Act of 1999," and in the Commission's 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 \$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 Electric Competition and Consumer Protection Act of 1999," Section 108.

**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 electricity or electric generation 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 three (3) 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. **FERC FILING:** Applicant has:

- Filed an Application with the Federal Energy Regulatory Commission ("FERC") to be a Power Marketer.
- Received approval from FERC to be a Power Marketer at Docket or Case Number: \_\_\_\_\_
- Not Applicable.

**OPERATIONAL CAPABILITY**

- 8. **ISO/RTO AFFILIATION:** Provide evidence that the Applicant has met all applicable requirements of any ISO and/or RTO for its use by the Applicant. Indicate the evidence provided (not required for aggregators who do not take title and/or brokers)

Evidence of having met all applicable requirements of the PJM Interconnection, L.L.C. or another RTO or ISO (Attach evidence of being a signatory to all applicable agreements)

- 9. **SOURCE OF SUPPLY:** (Check all that apply) (not required for aggregators who do not take title and/or brokers)

- Not applicable. Applicant will not be supplying retail electricity
- Applicant owns generation.
- Applicant contracts for generation.
- Applicant obtains generation on the spot market.
- Other – Applicant must attach a statement detailing its source of Generation.

**SCOPE OF OPERATIONS**

(Check all that apply)

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

- Generator of electricity in the wholesale or retail market
- Marketer of electricity purchasing and taking title to electricity as an intermediary for sale to customers.
- Aggregator acting on behalf of customers to purchase electricity.
- Broker acting as an agent or intermediary on behalf of customers in the sale and purchase of electricity and who does not take title to electricity.

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 Potomac Electric Power Company territory in the District of Columbia, Applicant must, in an attached statement, describe in detail the area within the Electric Company’s service territory in which Applicant’s services will be offered.

- Applicant intends to offer service throughout the Potomac Electric Power Company territory in the District of Columbia.
- Applicant intends to offer services in only a portion of Potomac Electric Power 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 twelve (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 (2) twelve (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 electricity supply 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 4605 of Chapter 46 of Title 15 D.C.M.R. must submit a bond on the form attached to this Application ("Integrity Bond"). The Applicant, if licensed by the Commission as an electricity 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 4606.

However, an Applicant who can provide credible evidence that it meets the financial integrity standards listed in Section 4605 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 4604 and 4605 of Chapter 46 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 electricity 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 Potomac Electric Power Company is provided to the Commission.
  - h. Agree to not transfer its license to sell electricity and electricity supply services without the prior approval of the District of Columbia Public Service Commission.
  - i. Attend an Electricity 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 46 of Title 15 District of Columbia Municipal Regulations (DCMR) or within sixty (60) days of receiving their Electricity 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 refrain from disclosing information about a Customer or the Customer's use of electricity or electric generation services without the Customer's written consent.
  - l. Agrees to comply with 15 DCMR § 4602.15 Electric Company and Licensee Responsibilities in the event of a default after certification, and with the District of Columbia Electricity 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 \_\_\_\_\_:
County of \_\_\_\_\_: ss

\_\_\_\_\_, 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 Potomac Electric Power's 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 46 of Title 15 District of Columbia Municipal Regulations or within sixty (60) days of receiving their Electricity 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 refrain from disclosing 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 comply with power pool, control area, regional transmission operator, and/or ISO standards and requirements, as applicable.

The Applicant agrees that it shall neither disclose nor resell customer data provided to the Applicant by Potomac Electric Power Company.

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 § 4602.15, Electric Company and Licensee Responsibilities in the event of a default, and with the District of Columbia Electricity Supplier Coordination Tariff.

The Applicant agrees, that within one (1) year of licensing or within one (1) year of the adoption of Chapter 46 of Title 15 DCMR, whichever is later, each Electricity Supplier shall notify the Commission of the successful completion of the Electricity Supplier Education Workshop sponsored by the Commission, by the Licensee's Regulatory Contact or by the individual responsible for the Licensee's compliance with the Commission's rules. Successful completion of the Workshop shall be evidenced by a certificate awarded by the Commission.

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 consent 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 \_\_\_\_\_ :  
County of \_\_\_\_\_ : ss  
\_\_\_\_\_ :

\_\_\_\_\_, 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 electricity in the District of Columbia, sell or market electricity, 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 an Electricity Supplier, or to provide certain Electricity 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**

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 electric service to retail customers in the District of Columbia, and

WHEREAS, pursuant to the Retail Electric Competition and Consumer Protection Act of 1999, D.C. Law 13-107, Section 105, the Public Service Commission of the District of Columbia is authorized to require the Principal to maintain a bond in order to provide retail electric 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 electric 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 4604 and 4605 of Chapter 46 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 4604 and 4605 of Chapter 46 of Title 15 DCMR) in a specific amount by means of failure, or by reason of

breach of contract or violation of the Retail Electric Competition and Consumer Protection Act of 1999, D.C. Law 13-107 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 ELECTRICITY 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 electric service to retail customers in the District of Columbia, and

WHEREAS, pursuant to the Retail Electric Competition and Consumer Protection Act of 1999, D.C. Law 13-107, Section 105, the Public Service Commission of the District of Columbia is authorized to require the Principal to maintain a bond in order to provide retail electric 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 electric 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 Electric Competition and Consumer Protection Act of 1999, D.C. Law 13-107 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 electric service to retail customers in the District of Columbia, and

WHEREAS, pursuant to the Retail Electric Competition and Consumer Protection Act of 1999, D.C. Law 13-107, Section 105, the Public Service Commission of the District of Columbia is authorized to require the Principal to maintain a bond in order to provide retail electric 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 electric 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 Competition and Consumer Protection Act of 1999, D.C. Law 13-107 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

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF THIRD 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. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to its authority under the Retail Natural Gas Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code §§ 34-1671.01 *et seq.* (2012 Repl.)) (Act), of its intent to adopt a new Chapter 47 (Licensure of Natural Gas Suppliers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after publication of this Notice of Proposed Rulemaking (Notice or NOPR) in the *D.C. Register*.

2. Chapter 47 establishes the rules governing the licensure and bonding of Natural Gas 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.

3. On May 26, 2017, the Commission issued its initial Notice of Proposed Rulemaking (NOPR), giving notice of the proposed adoption of Chapter 47 at 64 DCR 004997. On August 18, 2017, the Commission published a Second NOPR at 64 DCR 008291 with revisions based upon comments and reply comments filed on May 26, 2017. In the Second NOPR, the following sections were given renewed consideration in response to comments and revised: (1) § 4703.10; (2) § 4703.11; (3) § 4705.6; (4) § 4706.1(b); and (5) § 4708.1.

4. Like the prior two NOPRs, this Third NOPR combines the licensing and bonding requirements in a single chapter. The proposed rules in the instant NOPR supersedes those in the previous Second NOPR published on August 18, 2017. It also includes the same attachments as did the previous two NOPRs: (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. In this third NOPR, the following sections have substantive changes: (1) § 4703.11; (2) § 4703.13; and (3) § 4708.1 (a). Also, the following sections were changed to reflect consistency, where appropriate, with the Retail Electricity Supplier Licensing Rules: (1) § 4700.1; (2) § 4703.8; (3) § 4703.9; (4) § 4705.2 (c); (5) § 4706.5; (6) § 4708.1 (b); (7) § 4709.2 (u); and (8) § 4799.

5. The Commission notes that these proposed rules may be amended in the future depending on actions taken in Formal Case No. 1130, In the Matter of the Investigation into Modernizing the Energy Delivery System for Increased Sustainability (MEDSIS proceeding).

**A new Chapter 47 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.

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 established by Commission rules or in Commission orders.

4703.9 **Term of Natural Gas Supplier License.** A Natural Gas Supplier License is valid until revoked by the Commission or surrendered by the Licensed Natural Gas Supplier. A Natural Gas Supplier is subject to review every five (5) years after the date on which the license was issued or was last reviewed. Not less than forty-five (45) days before the five-year anniversary of the date on which the licensee was issued or was last reviewed; a Natural Gas Supplier shall file with the Commission a review application pursuant to the licensing requirements and procedures set forth in Sections 4701 and 4703. The Commission shall complete its review of the review application within thirty (30) days after its filing. Licensed Natural Gas Suppliers shall submit a review application not less than forty-five (45) days before five years after 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 three (3) business days before the Licensee begins soliciting or marketing to Customers directly or 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 of 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. All door-to-door sales representatives and agents 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. The Natural Gas Supplier shall maintain the photo identification record for a period of six (6) months after the representative or agent has been employed or marketing on the Natural Gas Supplier's behalf.
- 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 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 received reasonable training on the relevant provisions of Chapters 3 and 46 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 Application, the Licensee shall provide to the Commission with any 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).

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

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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 three (3) business days before 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 and prior to soliciting Customers under that new name.

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) 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) 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 §§ 327.7 - 327.13);
- (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) Failure to provide annually an updated Privacy Protection Policy that complies with 15 DCMR § 308 (Use of Customer Information);
- (u) Failure of a Licensee, who has not initially started serving Customers in the District, to notify the Commission and OPC within three (3) business days the Licensee begins soliciting or marketing to Customers directly or through an authorized representative per Subsection 4703.11. This is a one-time initial notice prior to the Licensee beginning its marketing to or soliciting District consumers;
- (v) Failure of the Licensee or Natural Gas Supplier to pay its assessment for the costs and expenses of the Commission and OPC as required by D.C. Official Code § 34-912(b) and any penalties prescribed by D.C. Official Code § 34-1671.11; or
- (w) 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, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code §§ 34-1671.01 *et seq.* (2012 Repl.)).

**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 Natural Gas Company, a single bill from the Natural Gas Supplier, or separate bills from the Natural Gas 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: (1) Does not take title to natural gas; (2) Does not sell natural gas to or purchase natural gas for buildings not owned or managed by such owner or property manager; (3) Does not offer aggregation of natural gas services to other, unrelated end-users; and (4) Arranges for the purchase of natural gas services only from duly licensed Natural Gas Suppliers or Aggregators.

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

**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 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.

**Days:** Calendar days, unless otherwise expressly defined.

**Deposit:** Any payment made by a residential or small commercial customer 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: (1) the Commission revokes or suspends the Natural Gas Supplier's retail Natural Gas Supplier License; or (2) 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 4706.2 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.

**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 an agent to market natural gas to its members or constituents. A Nontraditional Marketer: (1) conducts its transactions through a licensed Natural Gas Supplier; (2) does not collect revenue directly from retail Customers; (3) does not require its members or constituents to obtain its natural gas through the Nontraditional Marketer or a specific licensed Natural Gas Supplier; and (4) 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 and/or small commercial 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 service from one



natural gas supplier to another natural gas supplier or to the default service provider.

**Solicitation:** A communication in any medium that urges a customer to Contract for receipt of natural gas services from an Energy Supplier. Types of Solicitation may include, but are not limited to, telephone Solicitation, radio advertisements, print advertisements, home Solicitations, electronic advertisements (*i.e.*, Internet), newspaper advertisements, and written Solicitations.

**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.

6. All persons interested in commenting on the subject matter of this NOPR and Attachments may submit written comments no later than thirty (30) days 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](http://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](mailto: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 \_\_\_\_\_ :
County of \_\_\_\_\_ : SS

\_\_\_\_\_, 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

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

**NOTICE OF THIRD EMERGENCY RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) (2012 Repl. & 2017 Supp.)), and delegated in Mayor's Order 2001-96, dated June 28, 2001, and in accordance with Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1967 (82 Stat. 1206; D.C. Official Code § 2-505 (2016 Repl.)) (D.C. APA), hereby gives notice of the adoption of emergency rules to amend Chapter 7 (General Operating Requirements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking amends, on an emergency basis, 23 DCMR § 718.2 and § 718.3 by reducing the percentage of distribution of subsidies paid by the Alcoholic Beverage Regulation Administration (ABRA) to the Metropolitan Police Department (MPD) from seventy percent (70%) to sixty percent (60%) when covering the costs incurred by Alcoholic Beverage Control (ABC) licensees from MPD officers working reimbursable details under the Program. The emergency rules also amend 23 DCMR § 718.2 to include pub crawls among the types of events that one can utilize the Reimbursable Detail Subsidy Program ("RDO Program" or "Program").

By way of background, the RDO Program assists licensed establishments to defray the costs of retaining off-duty MPD officers to patrol the surrounding area of an establishment or an outdoor Special Event or Pub Crawl Event for the purpose of maintaining public safety, including the remediation of traffic congestion and the safety of public patrons, during their approach and departure from the establishment or Special Event or Pub Crawl Event. Over the past several years, the Board has revised the reimbursable detail coverage percentages on an as needed basis. For example, in 2016, the Board increased the number of days covered by the RDO Program from two (2) days to seven (7) days a week and increased the reimbursement percentage from fifty percent (50%) to seventy percent (70%).

On January 25, 2017, the Board adopted emergency and proposed rules to amend 23 DCMR § 718.2 and § 718.3. Specifically, the Board amended 23 DCMR § 718.2 to include pub crawl events among the events that can participate in the RDO Program. This amendment was needed in order to ensure that the regulations comport with the Council for the District of Columbia's decision to expand the RDO Program to include pub crawls in the Fiscal Year 2017 Budget.

Additionally, the emergency and proposed rulemaking amended 23 DCMR § 718.3 by reducing the reimbursable percentage from seventy percent (70%) to sixty percent (60%). This change was necessary for immediate fiscal policy reasons. Although the Council expanded the RDO Program, the overall funding levels remained the same. This placed a strain on ABRA's ability to reimburse MPD for its RDO associated costs. Recognizing the public safety benefits of the RDO Program and the need to ensure that the Program continues, the Board elected to reduce the Program's reimbursement percentage from seventy percent (70%) to sixty percent (60%).

The Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on April 14, 2017, at 64 DCR 3546, for a thirty (30)-day comment period.

See <http://dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=23-718>.

On May 24, 2017, the Board adopted the Notice of Second Emergency Rulemaking, by a vote of six (6) to zero (0), to re-adopt the emergency rules pending Council's ninety (90)-day review pursuant to D.C. Official Code § 25-211(b). See 64 DCR 7520 (August 4, 2017). During that time, the Board recognized that the emergency rules would have expired on June 5, 2017, and thus, adopted the second emergency rules on May 24. This rulemaking superseded the rules the Board adopted on January 25, 2017. The Board, however, did not make any substantive changes to the emergency rules when it readopted them on May 24.

Since the adoption of the emergency rules on May 24, 2017, the Board has submitted the Notice of Emergency and Proposed Rulemaking to the Council for review pursuant to D.C. Official Code § 25-211(b). During that time, however, the Notice of Second Emergency Rulemaking expired. In order to ensure that ABRA can continue to fund the MPD RDO Subsidy Program without exceeding its budget for Fiscal Year 2017, the Board deemed it necessary to adopt another set of emergency rules. Thus, and in accordance with Section 6(c) of the DC APA (D.C. Official Code § 2-505(c)), the Board finds that exigent circumstances still exist warranting the continuation of the emergency rules. Specifically, the Board finds that emergency action is necessary for the immediate preservation of health, safety, and welfare of District of Columbia residents as it is necessary for maintaining reduced spending levels of the Program for the remainder of Fiscal Year 2017, so that ABRA can continue to reimburse MPD for a percentage of the cost incurred by licensees for MPD officers working reimbursable details and to ensure the regulations comport with the Council's objective of expanding the Program to include pub crawls.

These emergency rules were adopted by the Board on September 27, 2017, by a vote of five (5) to zero (0), to take effect at that time. The emergency rules will remain in effect for up to one hundred twenty (120) days from adoption, expiring January 25, 2018, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

**Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:**

**Section 718, REIMBURSABLE DETAIL SUBSIDY PROGRAM, is amended by replacing Subsections 718.2 and 718.3 to read as follows, and renumbering the following subsections:**

718.2 ABRA will reimburse MPD sixty percent (60%) of the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details on Sunday through Saturday nights. The hours eligible for reimbursement for on-premises retailer licensees shall be 11:30 p.m. to 5:00 a.m. ABRA will also reimburse MPD sixty percent (60%) of the total costs of invoices submitted by MPD to cover the costs incurred for Pub Crawl Events and for outdoor Special Events where the Licensee has been approved for a One Day Substantial Change License or a Temporary License. The hours

eligible for an outdoor Special Event operating under a One Day Substantial Change License or a Temporary License or a Pub Crawl Event operating under a Pub Crawl License shall be twenty-four (24) hours a day.

- 718.3 MPD shall submit to ABRA on a monthly basis invoices documenting the sixty percent (60%) amount owed by each licensee. Invoices will be paid by ABRA to MPD within thirty (30) days of receipt in the order that they are received until the subsidy program's funds are depleted.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

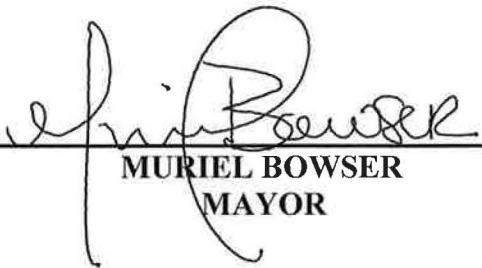
Mayor's Order 2017-275  
October 26, 2017

**SUBJECT:** Appointment — District of Columbia Commemorative Works Committee

**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 412 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective April 4, 2001, D.C. Law 13-275; D.C. Official Code § 9-204.12 (2013 Repl.), it is hereby **ORDERED** that:

1. **MARNIQUE HEATH** is appointed as the Chairperson of the Historic Preservation Review Board member to the District of Columbia Commemorative Works Committee.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-276  
October 26, 2017

**SUBJECT:** Appointment — Mayor's Interfaith 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 Mayor's Order 2011-110, dated June 20, 2011, it is hereby **ORDERED** that:

1. **MARIA BARRERA** is appointed as a voting member of the Mayor's Interfaith Council, replacing Evelio Menjivar, to serve the remainder of an unexpired term to end July 29, 2018.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 25, 2017.




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**MURIEL BOWSER**  
**MAYOR**

**ATTEST:** 

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**LAUREN C. VAUGHAN**  
**SECRETARY OF THE DISTRICT OF COLUMBIA**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-277  
October 26, 2017

**SUBJECT:** Appointments — Board of Audiology and Speech-Language Pathology

**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 218 of the District of Columbia Health Occupations Revision Act of 1985, effective March 6, 2007, D.C. Law 16-219, D.C. Official Code § 3-1202.18 (2016 Repl.), it is hereby **ORDERED** that:

1. The following persons are appointed as members of the Board of Audiology and Speech-Language Pathology:
  - a. **DR. ANGELA M. GRICE** as a practicing speech-language pathologist, replacing Gabriele Nicolet, for a term to end September 15, 2020.
  - b. **DR. JOANNA L. PEARSON** as a practicing audiologist, replacing Diane Brewer, for a term to end February 26, 2020.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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**MURIEL BOWSER**  
**MAYOR**

**ATTEST:** 

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**LAUREN C. VAUGHAN**  
**SECRETARY OF THE DISTRICT OF COLUMBIA**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-278  
October 26, 2017

**SUBJECT:** Reappointments — Metropolitan Washington Regional Ryan White Planning Council

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by sections 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.), pursuant to §§ 2602(a)(1) and (b)(1) of the Public Health Service Act, as amended by § 101 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, approved August 18, 1990, 104 Stat. 576, 42 U.S.C. 300ff-12(a)(1) and (b)(1), and pursuant to Mayor's Order 2016-001, dated January 8, 2016, it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the Metropolitan Washington Regional Ryan White Planning Council, for terms to end November 5, 2019:
  - a. **LAKISA BLOCKER**
  - b. **SHARON COKER**
  - c. **DOUG FOGAL**
  - d. **JULIO FONSECA**
  - e. **BETELHEM MEKONNEN**
  - f. **SCOTT SANDERS**
  - g. **JENNIFER ZOERKLER**
  
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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**MURIEL BOWSER**  
**MAYOR**

**ATTEST:** 

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**LAUREN C. VAUGHAN**  
**SECRETARY OF THE DISTRICT OF COLUMBIA**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-279  
November 1, 2017


**SUBJECT:** Delegation - Authority Under the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Emergency Act of 2017

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790; Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2016 Repl.), and pursuant to the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Emergency Act of 2017, effective October 4, 2017; D.C. Act 22-144; 64 DCR 10172 (October 13, 2017), any substantially similar temporary or permanent versions thereof, and as it may be further amended from time to time (hereinafter cited as the "**Bond Authorization Act**"), it is hereby **ORDERED** that:

1. The Chief Financial Officer of the District of Columbia is delegated the authority vested in the Mayor pursuant to the Bond Authorization Act, to take any action, execute (except for the execution of bonds or notes) and deliver agreements, documents and instruments as required by or incidental to the issuance of any bonds or notes authorized by the Bond Authorization Act, perform any covenants contained in the Bond Authorization Act, and negotiate the sale of and purchase contract for the bonds or notes as authorized by the Bond Authorization Act, including any amendments to the agreements, documents, instruments, covenants or purchase contracts.
2. In the absence or disability of the Chief Financial Officer, the Deputy Chief Financial Officer and Treasurer of the District of Columbia is delegated the authority to exercise the powers and perform the duties delegated to the Chief Financial Officer as provided in this Order.

3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to October 4, 2017.



MURIEL BOWSER  
MAYOR

ATTEST:   
LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-280

November 1, 2017


**SUBJECT:** Delegation - Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to the District-owned Real Property, known as Truxton Circle Parcel, Located at 1520-1522 North Capitol Street, NW and Known for Tax and Assessment Purposes as Lot 0842 in Square 0615 (“**Property**”)


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.); section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code § 10-801 *et seq.* (2013 Repl. and 2017 Supp.), and section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia and for other purposes, approved December 20, 1944, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2016 Repl.), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development (“**Deputy Mayor**”) is delegated the authority to solicit offers, accept unsolicited offers, and execute on behalf of the District of Columbia any and all documents related to the disposition, development or use of the Property, including, but not limited to, easements, license agreements, use agreements, lease agreements, right of entry agreements, covenants, and other associated documents and to take all actions necessary or useful for or incidental to the solicitation, disposition, and development of the Property.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

4. **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**

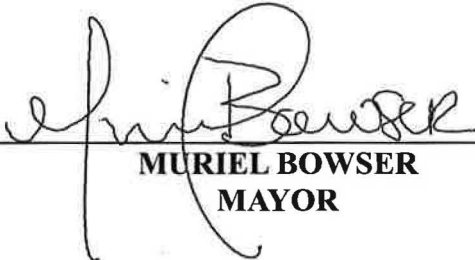
Mayor's Order 2017-281  
November 1, 2017

**SUBJECT:** Delegation - Authority Pursuant to D.C. Law 21-282, the Fisheries and Wildlife Omnibus Amendment Act of 2016

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.), and pursuant to the Fisheries and Wildlife Omnibus Amendment Act of 2016 ("Act"), effective May 19, 2017, D.C. Law 21-282; 64 DCR 2055 (February 24, 2017), it is hereby **ORDERED** that:

1. The Director of the Department of Energy and Environment ("**Director**") is delegated the Mayor's authority to implement and enforce the Act.
2. The authority delegated herein may be further delegated to subordinates under the jurisdiction of the Director.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.




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**MURIEL BOWSER**  
**MAYOR**

**ATTEST:** 

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**LAUREN C. VAUGHAN**  
**SECRETARY OF THE DISTRICT OF COLUMBIA**



**DEPARTMENT OF BEHAVIORAL HEALTH****DISTRICT OF COLUMBIA TASK FORCE ON SCHOOL MENTAL HEALTH****NOTICE OF PUBLIC MEETING**

The Members of the District of Columbia Task Force on School Mental Health will hold its first meeting on Monday, November 6, 2017 3:00 – 5:00 PM. The meeting will be held at the DC Department of Behavioral Health, 64 New York Avenue NE, Room 242, Washington, D.C. 20002. Below is the draft agenda for this meeting. A final agenda will be posted to the Department of Behavioral Health’s website at <http://dbh.dc.gov>. Please RSVP to Sakina B. Thompson, [sakina.thompson@dc.gov](mailto:sakina.thompson@dc.gov), and for additional information call (202) 727-7973 or e-mail [sakina.thompson@dc.gov](mailto:sakina.thompson@dc.gov).

**DRAFT AGENDA**

- I.** Welcome and Introductions
- II.** Welcoming Remarks
- III.** Presentations
- IV.** Discussion
- V.** Next Agenda
- VI.** Adjournment

**CENTER CITY PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS**

Center City Public Charter Schools is soliciting proposals from qualified vendors for the following:

**Meraki Security Cameras and Installation**

To obtain copies of full RFPs, please visit our website: [www.centercitypcs.org/contact/requests-for-proposal](http://www.centercitypcs.org/contact/requests-for-proposal). The full RFPs contain guidelines for submission, applicable qualifications, and deadlines.

**Contact Person**

Scott Burns  
sburns@centercitypcs.org

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF INVITATION TO PARTICIPATENEIGHBORHOOD-BASED QUALITY IMPROVEMENT NETWORK (QIN) OF  
CHILD DEVELOPMENT CENTER PARTNERS**Announcement Date: November 3, 2017****Application Release Date: November 17, 2017**

The Office of the State Superintendent of Education (OSSE) of the District of Columbia seeks applications from child development center providers interested in joining the neighborhood-based Quality Improvement Network (QIN), a multi-year effort to improve and expand the quality of infant and toddler care in DC, in order to receive training, technical assistance, and supports to attain and maintain federal Early Head Start (EHS) standards. No financial awards will be directly awarded to successful applicants. However, child development center providers that are selected to join a quality improvement network will benefit from the following:

- Reimbursement at the QIN payment rate for enrolled infants and toddlers in a child development center (*see* 5A District of Columbia Regulations (DCMR) § 203.1(e));
- Full subsidy reimbursement for QIN-eligible children based on enrollment and not daily attendance;
- Job-embedded, continuous, professional learning and technical assistance aligned to DC Early Learning Standards and EHS standards;
- Assistance with recruitment to fill vacancies and support with transitions to pre-Kindergarten; and
- Salary bonuses for teachers (stipends) and prioritization of QIN staff in programs supporting degree attainment.

**Invitation to Participate:** OSSE is seeking applications from licensed child development center providers that want to be considered to join a neighborhood-based QIN. The network is led by a community-based organization that will serve as a Hub. The hub agencies are responsible for providing services and supports to participating child development center partners under the QIN and helping them meet the following goals:

- Implementation of the Head Start Program Performance Standards (HSPPS) for serving infants, toddlers, and their families;
- Provide comprehensive child development services for all children that enhance their physical, social, emotional, and intellectual development; and
- Coordinate an array of services to families including parenting education and family support.

OSSE seeks to approve at least one application from a licensed child development center provider. Should the child development center provider fail to achieve the stated goals and objectives described in the individual proposal under this application, the applicant may be subject to penalties that include, but are not limited to, termination of the partnership agreement.

**Eligibility Criteria:** Eligible applicants include child development centers that currently meet the following requirements:

- Provide subsidized child care services to eligible children pursuant to a valid Provider Agreement with OSSE;
- Operate in Wards 7 or 8;
- Have a current Gold rating;
- Licensed to operate a child development facility by OSSE, have not been grandfathered in/as exempt from certain licensing standards, or received a waiver from any licensing requirements;
- Have participated in training or education programming to learn best practices in caring for infants and toddlers in the past two years; and
- Serve children between birth and age 3 whereby:
  - At least 10 percent of the current children enrolled have an Individualized Family Service Plan (IFSP); and
  - At least 50 percent of the current children enrolled are recipients of subsidized child care services.

**Expectations for Center Providers in the QIN:** Child development centers must:

- Partner with the hub agency to develop and implement a quality improvement plan; continuation in the program will depend on demonstrated progress on the quality improvement plan;
- Implement and maintain a high-quality program that meets all HSPPS;
- Provide support to all teaching staff in meeting the new education requirements;
- Support the provision of comprehensive services for children and families by the hub agency, including developing and supporting the implementation of IFSP;
- Participate in the Child and Adult Care Food Program (CACFP);
- Partner with the hub to actively recruit and enroll families and assist them in obtaining child care subsidy;
- Partner with the hub agency staff to develop and implement an enrollment and recruitment strategy that prioritizes families using a selection criteria;
- Consistently maintain a required enrollment number for each month throughout the program period and continuously enroll new children as vacancies become available; and
- Support families in their children's transitions to pre-Kindergarten and follow EHS guidelines for school readiness.

To receive more information on this notice, please contact:

Tara Dewan-Czarnecki  
Program Manager  
Office of the State Superintendent of Education  
Division of Early Learning  
Phone: (202) 741-7637  
[Tara.Dewan-czarnecki@dc.gov](mailto:Tara.Dewan-czarnecki@dc.gov)

The Invitation to Participate in a Neighborhood-Based QIN of Child Development Center Partners will be available on OSSE's website at [www.osse.dc.gov](http://www.osse.dc.gov) on November 17, 2017.

DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS

**Certification of Filling a Vacancy  
In Advisory Neighborhood Commission**

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Constance Mobley  
Single-Member District 8D07

**DEPARTMENT OF ENERGY AND ENVIRONMENT****NOTICE OF EXTENDED COMMENT PERIOD****Proposed Water Quality Standards – 2016 Triennial Review**

The Department of Energy and Environment (DOEE or Department), is extending the public comment on the proposed rulemaking for a triennial review of the District of Columbia's Water Quality Standards regulations as required by section 5(a) of the Water Pollution Control Act (D.C. Official Code § 8-103.04(a)) and section 303(c) of the federal Clean Water Act (33 U.S.C. § 1313(c)).

Proposed changes to the water quality standards include updates to the aquatic life criteria for ammonia and cadmium, and human health criteria for 94 constituents.

The notice of proposed rulemaking was published in the *D.C. Register* on September 15, 2017, at 64 DCR 9089. The 60-day comment period established in that notice will end on November 14, 2017. Pursuant to this notice, the comment period is being extended until December 14, 2017.

A copy of the proposed rulemaking is available at the following link:

<http://www.dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=6718722>.

A hard copy may also be obtained from the DOEE offices at 1200 First Street NE, Washington, DC 20002, 5<sup>th</sup> floor. Please email [WQS@dc.gov](mailto:WQS@dc.gov) with "Proposed WQS-2016 Triennial Review" in the subject line to arrange for pick-up.

Comments on the proposed rule and the scope and approach to the required Water Quality Criteria Impact Analysis should identify the commenter and be clearly marked "Proposed WQS-2016 Triennial Review." Comments may be (1) mailed or hand-delivered to DOEE, Water Quality Division, 1200 First Street NE, 5th Floor, Washington, D.C. 20002, Attention: DOEE Water Quality Standards, or (2) sent by e-mail to [WQS@dc.gov](mailto:WQS@dc.gov), with the subject indicated as "Proposed WQS-2016 Triennial Review."

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF FOR-HIRE VEHICLES**

**NOTICE OF FUNDING AVAILABILITY- AMENDMENT**

**GRANTS FOR FOR-HIRE VEHICLE INNOVATIONS**

The Government of the District of Columbia, Department of For-Hire Vehicles has amended its Request for Application (“RFA”) #FHVINNO-2017-05-002 and will be releasing the #FHVINNO-2017-05-003 on Friday, November 3, 2017. A full summary highlighting all the changes to the RFA will be available online at DFHV’s website. It will also be available for pickup:

Grant opportunities under this RFA#FHVINNO-2017-05-003 will encompass the following different funding opportunities:

1. Vehicle On-Demand Alternative Pilot Program;
2. School Transportation Service Pilot Program;
3. Non-Emergency Medical Transportation;
4. Electric Vehicles or Ride Subsidy programs;
5. Wheelchair Accessible Vehicle or Subsidy program(s);
6. Taxi Digital Transformation Grant;
7. Mayor’s Office of Veteran Affairs (MOVA) Pilot Program;
8. Wheelchair Accessible Vehicle Incentive Program – Extension
9. Driver Incentive Grant Program
10. Other programs that DFHV may develop or programs proposed by the applicants and approved by DFHV on a rolling bases.

**Download** by visiting the DFHV website <https://dfhv.dc.gov/page/grant-funding>

**EMAIL:** Gladys.Kamau@dc.gov with “Request copy of RFA #Pilot Program-2017-05-003 in the subject line.

**ELIGIBILITY:** See RFA which has specific eligibility for each pilot program under #FHVINNO-2017-05-003.

**PERIOD OF AWARDS:** See RFA which has specific periods of awards under each pilot program under #FHVINNO-2017-05-003.

**SELECTION PROCESS:** DFHV will select grant recipient(s) through a competitive application process. All applications will be forwarded to a review panel to be evaluated, scored, and ranked based on the selection criteria listed in the RFA.

**RESERVATIONS:** DFHV reserves the right to issue addenda and/or amendments after the issuance of the NOFA or RFA, or to rescind the NOFA or RFA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH CARE FINANCE**

**NOTICE OF FUNDING AVAILABILITY**

The Department of Health Care Finance (DHCF) announces a Notice of Funding Availability (NOFA) for grant funds pursuant to the authority established by the Fiscal Year 2018 Budget Support Act of 2017, Subtitle C, Section 5032 to make grant funds available to facilitate the development and application of telehealth services to health care providers and residents located in Wards 7 and 8. The Director of DHCF has authority to issue grants under the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code 7-771.05(4) (2012 Repl.).

A Request for Applications (RFA) for the below opportunities will be released under a separate announcement with guidelines for submitting the application, review criteria and DHCF terms and conditions for applying for and receiving funding. The anticipated performance period for these grants is February 1<sup>st</sup>, 2018 to September 30<sup>th</sup>, 2018.

***Descriptions of Opportunities:***

Wards 7 and 8 Telehealth Development and Application Grants: Four (4) grants of \$50,000 each will be awarded facilitate the development and application of telehealth services for health care providers and residents located in Wards 7 and 8. Applicants should consider promoting telehealth to increase access to specialty care, including ophthalmology, obstetrics, and endocrinology, as well as expanding the use of telehealth services in public schools, patient homes and nursing facilities.

***Eligibility Requirements:***

Applicants must have a demonstrated record of providing health services in Wards 7 and 8 and applications must enhance or expand current programs in Wards 7 and 8. All applicants must also be 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 Department of Employment Services (DOES), and the Internal Revenue Service (IRS), and demonstrate Clean Hands certification at the time of application.

**A RFA will be released on or around November 20, 2017. The RFA package will be available online at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> and the DHCF website. Hard copies of the RFA package may be obtained at DHCF, 441 4<sup>th</sup> St. N.W., Ste 900S, Washington, D.C. 20001, 9<sup>th</sup> floor reception desk daily from 9:00 am until 4:00 pm. All eligible applications are reviewed through a competitive process.**

DHCF will hold a pre-proposal conference on Wednesday, November 29, 2017 at 1:00 p.m. Eastern at 441 4<sup>th</sup> St. N.W., Main Street Conference Room on the 10<sup>th</sup> Floor, Washington, D.C. 20001. Prospective applicants must provide an email address to DHCF to receive notification of amendments or clarifications to the RFA.



Completed applications must be received on or before 4:00 pm Eastern Time on Wednesday, December 20, 2017. Applications must be submitted in hard copy and in-person at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9<sup>th</sup> floor reception desk. No applications will be accepted after the submission deadline.

For additional information regarding this NOFA, please contact Joe Weissfeld, Project Manager, DHCF, Health Care Reform and Innovation Administration at [joe.weissfeld@dc.gov](mailto:joe.weissfeld@dc.gov) or at (202) 442-5839.

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETINGDepartment of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23<sup>rd</sup>, 2007 hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, December 7th, 2017, at 2:30 PM** in the **Main Street Conference Room 1028 (10<sup>th</sup> Floor) at 441 Fourth Street NW, Washington, DC 20001**. Please note that a government issued ID is needed to access the building. Use the north lobby elevators to access the 10<sup>th</sup> floor.

The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Angiotensin Modulator Combinations	Calcium Channel Blockers
Angiotensin Modulators	Hepatitis B Agents
Antianginal Agents (Ranexa)	Hepatitis C Agents
Antibiotics, Topical	HIV and AIDS Treatments
Anticoagulants	Immunomodulators, Atopic Dermatitis
Antihypertensives, Sympatholytics	Immunomodulators, Topical
Antipsoriatics, Oral	Lipotropics, Others
Antipsoriatics, Topical	Lipotropics, Statins
Antiviral Agents, Oral (HSV & Influenza)	Methotrexate ( <i>Tentative</i> )
Antiviral Agents, Topical	Platelet Aggregation Inhibitors
Beta-Blockers	Rosacea Agents, Topical

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45 PM on Wednesday, November 29<sup>th</sup>, 2017**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax ([charlene.fairfax@dc.gov](mailto:charlene.fairfax@dc.gov)). An individual wishing to make an oral presentation to the Committee will be limited to three (3) minutes.

A person wishing to provide written information should supply twenty (20) copies of the written information to the Committee **no later than Wednesday, November 29<sup>th</sup>, 2017**. **Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information can also be mailed to **arrive no later than Wednesday, November 29<sup>th</sup>, 2017** to:

Department of Health Care Finance  
Attention: Charlene Fairfax, RPh, CDE  
441 4<sup>th</sup> Street NW, Suite 900 South  
Washington, DC 20001

**PAUL PUBLIC CHARTER SCHOOL  
REQUEST FOR PROPOSALS**

Paul Public Charter School seeks competitive bids for:  
**School Quality Review**  
For a copy of the full RFP, interested firms should contact:  
Will Henderson at [whenderson@paulcharter.org](mailto:whenderson@paulcharter.org)

Bids must be received by 4:00 P.M. Friday, November 17<sup>th</sup>. Please submit bids electronically to  
**[whenderson@paulcharter.org](mailto:whenderson@paulcharter.org)**

*Paul PCS reserves the right to cancel this RFP at any time.*

Paul Public Charter School  
ATTN: Will Henderson  
5800 8<sup>th</sup> St. N.W.  
Washington, DC 20011

**OFFICE OF THE DEPUTY MAYOR FOR  
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC MEETING FOR  
THE WALTER REED LOCAL REDEVELOPMENT AUTHORITY  
COMMUNITY ADVISORY COMMITTEE  
PURSUANT TO D.C. OFFICIAL CODE § 10-1906**

The District will hold a public meeting for the Walter Reed Local Redevelopment Authority (LRA) Community Advisory Committee (CAC) at the following time and location:

**Date: Monday, November 6, 2017**

**Time: 6:30 p.m. - 8:00 p.m.**

**LOCATION:**

**Fort Stevens Recreation Center  
1327 Van Buren Street NW  
Washington, DC 20012**

**PROPOSED AGENDA**

- |      |         |  |
|------|---------|--|
| I.   | 6:30 pm | LRA Project Overview and Update                                |
|      |         | a. WR CAC Member Update, Commissioner Natalee Snider, ANC 4B06 |
|      |         | b. Ward 4 Small Business Outreach Event- November 15, 2017     |
| I.   | 6:40 pm | Master Development Team Overview and Update                    |
|      |         | a. Construction Update   |
|      |         | b. Site Operations Update                                      |
|      |         | c. Buildings V/U and I/J- Update                               |
|      |         | d. Interim Use Activities                                      |
| II.  | 7:00 pm | Access to Affordable Housing at WR                             |
| III. | 7:30 pm | Building 14 Development Update                                 |
|      |         | a. Building 14 M- TPWR/Housing Up                              |
|      |         | b. Building 14 S- HELP USA                                     |
| IV.  | 8:00 pm | Adjourn  |

For questions, please contact Randall Clarke, Walter Reed Local Redevelopment Authority Director at 202-727-6365 or [randall.clarke@dc.gov](mailto:randall.clarke@dc.gov) or Malaika Abernathy Scriven at 202-545-3123 or [Malaika.abernathy2@dc.gov](mailto:Malaika.abernathy2@dc.gov).

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

**NOTICE OF RESCHEDULED PUBLIC MEETING**

The Board of Directors of the Washington Convention and Sports Authority (t/a Events DC), in accordance with the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Official Code §1-207.42 (2006 Repl., 2011 Supp.), and the District of Columbia Administrative Procedure Act of 1968, as amended by the Open Meetings Amendment Act of 2010, D.C. Official Code §2-576(5) (2011 Repl., 2011 Supp.), hereby gives notice that a previously announced meeting scheduled for November 9, 2017, beginning at 10 a.m., will instead take place at 9:30 a.m. on the same day.

The meeting will take place in the Dr. Charlene Drew Jarvis Board Room at the Walter E. Washington Convention Center, 801 Mt. Vernon Place, NW. The Board's agenda includes reports from its Standing Committees.

For additional information, please contact:

Sean Sands  
Chief of Staff  
Washington Convention and Sports Authority  
t/a Events DC

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

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY****BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Governance Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, November 8, 2017 at 9:00 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

**DRAFT AGENDA**

- |  |                                 |
|--|---------------------------------|
| 1. Call to Order                               | Chairperson                     |
| 2. Government Affairs: Update                  | Government Relations<br>Manager |
| 3. Update on the Compliance Monitoring Program | TBD                             |
| 4. Update on the Workforce Development Program | Contract Compliance Officer     |
| 5. Emerging Issues                             | Chairperson                     |
| 6. Agenda for Upcoming Committee Meeting (TBD) | Chairperson                     |
| 7. Executive Session                           |                                 |
| 8. Adjournment                                 | Chairperson                     |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, November 8, 2017 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [لمانley@dewater.com](mailto:لمانley@dewater.com).

DRAFT AGENDA

- 1. Call to Order Committee Chairperson
- 2. Other Business
- 3. Executive Session Committee Chairperson
- 4. Adjournment Committee Chairperson

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

**Application No. 19113-B of Lerner South Capitol Street JV LLC**, pursuant to 11 DCMR Subtitle Y § 703, for minor modifications to the plans approved in BZA Order No. 19113 to permit retail/service use within all or a portion of the ground floor, to reconfigure the ground floor layout, the parking, loading and bicycle parking facilities, and the North penthouse enclosure, to permit the addition of balconies to certain units and to modify the range of dwelling units permitted in the proposed multi-family apartment building in the C-3-C District (now D-5)<sup>1</sup> at premises 1000 South Capitol Street S.E. (Square 697, Lot 46).

The original application (No. 19113) was pursuant to 11 DCMR §§ 3103.2 and 3104.1<sup>2</sup>, for variances from the side yard requirements under § 775.5, and the loading requirements under § 2201.1, and a special exception from the roof structure requirements under § 411.11, to allow roof structures not meeting the setback requirement under § 770.6(b), and single enclosure requirements under § 411.3, to construct a new multi-family apartment building in the C-3-C District at premises 1000 South Capitol Street S.E. (Square 697, Lot 46).

<b>HEARING DATE</b> (Case No. 19113):	November 24, 2015
<b>DECISION DATE</b> (Case No. 19113):	November 24, 2015
<b>ORDER ISSUANCE DATE</b> (No. 19113):	December 2, 2015
<b>TIME EXTENSION DECISION</b> (Case No. 19113A):	October 4, 2017
<b>MODIFICATION DECISION</b> (Case No. 19113B):	October 4 and 18, 2017 <sup>3</sup>

**SUMMARY ORDER ON REQUEST FOR MINOR MODIFICATION**

**BACKGROUND**

On November 24, 2015, in Application No. 19113, the Board of Zoning Adjustment (“Board” or “BZA”), based on a self-certification, approved the request by Lerner South Capitol Street JV LLC (the “Applicant”) for variances from the side yard requirements under § 775.5, and the loading requirements under § 2201.1, and a special exception from the roof structure

<sup>1</sup> In the 2016 Zoning Regulations, the designation for the C-3-C District has been changed to the D-5 District.

<sup>2</sup> The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the “1958 Zoning Regulations) but which were repealed on September 6, 2016 and replaced with new text (“the 2016 Regulations”). Also, all of the zone district names have been changed in the 2016 Zoning Regulations. The repeal of the 1958 Regulations and change of zone district name has no effect on the validity of the Board’s decision in Application No. 19113 or the validity of this order.

<sup>3</sup> The Board first considered this request on October 4, 2017 and scheduled the case for a hearing on October 18, 2017. At a public hearing and meeting on October 11, 2017, the Board, on its own motion, moved this case from the hearing agenda to the meeting agenda on October 18, 2017. The Board then decided the case on October 18, 2017.



requirements under § 411.11, to allow roof structures not meeting the setback requirement under § 770.6(b), and single enclosure requirements under § 411.3, to construct a new multi-family apartment building in the C-3-C District (now D-5) at premises 1000 South Capitol Street S.E. (Square 697, Lot 46) (the “subject property”). The Board issued Order No. 19113 on December 2, 2015. (Exhibit 3A in the record of Case No. 19113B.) The approval in Case No. 19113 was subject to the approved plans at Exhibits 27B1 – 27B6 in the record of Case No. 19113 and one condition:

1. The Applicant, or any successor owner/operator of the site, in a rental apartment building development, shall make two units affordable: one for a household with an income that is 80-120% of Area Median Income and one for a household with an income that is 50-80% of Area Median Income. The number of bedrooms in each unit shall be in keeping with the unit distribution in the completed building. The Applicant shall verify the income of each household living in an affordable unit and set the rent at no more than 30% of each household’s income.

In Case No. 19113, both the Office of Planning (“OP”) and the District Department of Transportation (“DDOT”) recommended approval of the application. The affected Advisory Neighborhood Commission (“ANC”), ANC 6D, was in support of the original application with conditions. (See Order No. 19113, Exhibit 3A in the record of Case No. 19113B.)

#### **MOTION FOR MINOR MODIFICATION**

On August 7, 2017, the Applicant submitted a request<sup>4</sup> for a minor modification to modify the plans approved by the Board in Order No. 19113 (the “Order”). (Exhibits 1-5B.) Pursuant to 11 DCMR Subtitle Y § 703, the Applicant requested a minor modification to the plans approved in BZA Order No. 19113 to (1) reconfigure the ground floor for use as retail or service uses in areas previously shown as residential amenity space; (2) reconfigure vehicle parking, loading and bicycle facilities by relocating ground-floor parking to the underground garage, relocating bicycle storage, and relocating the delivery space and loading berth; (3) modify the northern penthouse enclosure; (4) add balconies to all three sides of the east-facing open court; and (4) decrease the number of proposed residential units from 297–363 to 200-260.

The Applicant has submitted proposed Revised Plans (Exhibit 3D) and comparison plans (Exhibit 3C) to the record of Case No. 19113B to reflect the minor modifications. The Applicant stated that the minor modifications are needed as a result of the advancement of the building design and program. According to the Applicant, none of the requested minor modifications change the material facts on which the Board based its original approval of the application, as there is no change in the extent of any previously approved areas of relief and the Applicant is not requesting any new areas of relief. (Exhibit 3.)

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<sup>4</sup> Also on August 7, 2017, the Applicant submitted a request for a two-year extension of the validity of Order No. 19113, which request was granted by the Board on October 4, 2017 in Case No. 19113A. (See, Order No. 19113A.)

OP submitted two reports dated September 22, 2017, recommending approval of the request for a minor modification to the previously approved plans. OP recommended approval of the request as a minor modification since the requested changes to the plans do not result in any new or expanded relief and do not appear to change the material facts upon which the Board based its original approval. OP indicated that if DDOT requested adoption of a revised loading plan as a condition of approval of the minor modification, OP would recommend the Board approve the application subject to DDOT's recommended loading management plan conditions. (Exhibits 6 and 8.)

ANC 6D did not submit any comments or a report regarding the application for a minor modification to the approved plans.

DDOT submitted a report dated September 22, 2017, stating that DDOT had no objections to approval of the requested modification subject to three conditions. (Exhibit 7.)

*The Merits of the Request for Minor Modification*

The Applicant's request complies with 11 DCMR Subtitle Y § 703.3, which defines a minor modification as "modifications that do not change the material facts upon which the Board based its original approval of the application."

In the application herein, the Applicant is requesting a minor modification to the plans approved in Order No. 19113 so as to permit retail/service use within all or a portion of the ground floor, to reconfigure the ground floor layout, the parking, loading and bicycle parking facilities, and the North penthouse enclosure, to permit the addition of balconies to certain units and to modify the range of dwelling units permitted in the proposed multi-family apartment building in the C-3-C District (now D-5). This request does not otherwise impact the approved variance relief from the side yard requirements under § 775.5, and the loading requirements under § 2201.1, and the special exception relief from the roof structure requirements under § 411.11, that the Board approved in Case No. 19113. (Exhibit 3.)

Pursuant to Subtitle Y §§ 703.6-703.9, the request for a minor modification shall be served on all other parties to the original application and those parties are allowed to submit comments within 10 days after the request has been filed with the Office of Zoning and served on all parties. The Applicant provided proper and timely notice of the request for minor modification to ANC 6D, the other party to Application No. 19113. ANC 6D did not submit a report to the record of this application.

The Applicant also served its request on the Office of Planning. OP submitted two reports dated September 22, 2017 recommending approval of the requested modification as a minor modification. (Exhibits 6 and 8.)

As directed by 11 DCMR Subtitle Y § 703.4, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a minor modification. Based upon the record before the Board and having given great weight to the OP report filed in

this case, the Board concludes that in seeking a minor modification to the plans approved in Case No. 19113, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 703, that the proposed modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

As noted, the only parties to the case were the ANC and the Applicant. Accordingly, a decision by the Board to grant request would not be adverse to any party and therefore an order containing full finding of facts and conclusions of law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Therefore, pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for a minor modification of the Board's approval in Application No. 19113 is hereby **GRANTED, SUBJECT TO THE MODIFIED PLANS AT EXHIBIT 3D AND THE FOLLOWING NEW CONDITIONS<sup>5</sup>**:

2. The Applicant shall implement the proposed Loading Management Plan, in Exhibit 5B of the record.
3. The Applicant shall ensure that all tenants on the ground floor have interior access to the loading area.
4. The Applicant shall install six short-term bicycle racks near the main entrance.

In all other respects, Order No. 19113 remains unchanged.

**VOTE ON ORIGINAL APPLICATION ON NOVEMBER 24, 2015: 3-0-2**

(Marnique Y. Heath, Marcie I. Cohen, and Frederick L. Hill, to APPROVE; Jeffrey L. Hinkle, not participating and one Board seat vacant.)

**VOTE ON MINOR MODIFICATION ON JULY 12, 2017: 4-0-1**

(Frederick L. Hill, Lesylleé M. White, Carlton E. Hart (by absentee vote), and Anthony J. Hood<sup>6</sup>, to APPROVE; one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** October 20, 2017

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<sup>5</sup> Condition No. 1 in Order No. 19113 remains unchanged and in force.

<sup>6</sup> Commissioner Hood indicated that he read the record of the case in order to participate in the deliberations.

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.

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

**Application No. 19547 of Todd Helmus and Rena Rudavsky**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2(b) from the minimum parking requirements of Subtitle C § 701, to convert an existing accessory building into additional living space for the existing one-family dwelling in the RF-1 Zone at premises 714 4th Street N.E. (Square 777, Lot 68).

**HEARING DATE:** October 18, 2017<sup>1</sup>  
**DECISION DATE:** October 18, 2017

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (original) and 45 (revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 12, 2017, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 30.)

The Office of Planning ("OP") submitted a timely report, dated October 6, 2017, in support of the application. (Exhibit 47.) The District Department of Transportation ("DDOT") submitted a timely report, dated August 31, 2017, expressing no objection to the approval of the application. (Exhibit 37.)

Two letters of support for the application were submitted to the record by both adjacent neighbors. (Exhibits 34 and 35.) Also, a letter of support was submitted from the Capitol Hill Restoration Society. (Exhibit 41.)

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<sup>1</sup> This case was postponed from the public hearing of September 13, 2017 to that of October 18, 2017 at the request of the Applicant (Exhibit 39), a request supported by the Office of Planning. (Exhibit 38.) The Board granted the Applicant's request. (Exhibit 40.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle C § 703.2(b) from the minimum parking requirements of Subtitle C § 701, to convert an existing accessory building into additional living space for the existing one-family dwelling in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle C §§ 703.2(b) and 701, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 44.**

**VOTE: 4-0-1** (Carlton E. Hart, Lesylleé M. White, Frederick L. Hill, and Anthony J. Hood to APPROVE; one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** October 19, 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.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y

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§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

**Application No. 19574 of Shirley Taylor**, as amended<sup>1</sup>, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 320.2 for the conversion of an existing residential building, and pursuant to Subtitle X, Chapter 10, for an area variance from the lot area requirement of Subtitle U § 320.2(d), to convert an existing 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).

**HEARING DATE:** October 25, 2017<sup>2</sup>  
**DECISION DATE:** October 25, 2017

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (original) and 28 (revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 11, 2017, at which a quorum was present, the ANC voted 4-2-0 to support the application. (Exhibit 57.)

The Office of Planning ("OP") submitted a timely report, dated October 13, 2017, in support of the application. (Exhibit 56.) The District Department of Transportation ("DDOT") submitted a timely report, dated September 22, 2017, expressing no objection to the approval of the

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<sup>1</sup>The Applicant amended the application by adding a request for a variance from the lot area requirement of Subtitle U § 320.2(d) to the original application. (Exhibit 54.) The caption has been amended accordingly.

<sup>2</sup>This case was postponed from the public hearing of October 4, 2017 to that of October 25, 2017 at the request of the Applicant. (Exhibit 45.) The Board granted the Applicant's request. (Exhibit 48.)



application. (Exhibit 47.) A letter of support for the application was submitted by the Architect of the Capitol. (Exhibit 58.)

Nineteen letters of support for the application from neighbors were submitted to the record. (Exhibits 30, 32-40, 42, 43, 49, 50, 52, and 53.) A neighbor, Mr. William Braithwaite of 12 3rd Street, N.E., testified in support of the application.

#### Variance Relief

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1, for an area variance from the lot area requirement of Subtitle U § 320.2(d), to convert an existing flat into a three-unit apartment house by constructing a dwelling unit in an existing accessory building in the RF-3 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a variance from 11 DCMR Subtitle U § 320.2(d), the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for an area variance for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

#### Special Exception Relief

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle U § 320.2 for the conversion of an existing residential building. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle U § 320.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and

conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 55.**

**VOTE:**           **3-0-2** (Carlton E. Hart, Lesylleé M. White, and Frederick L. Hill to APPROVE;  
no Zoning Commission member present, one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** October 26, 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.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

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

**Application No. 19588 of John Goodwyn**, as amended<sup>1</sup>, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, the rear yard requirements of Subtitle D § 306.2, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear deck addition to a one-family dwelling in the R-3 Zone at premises 2334 Huidekoper Place N.W. (Square 1301, Lot 680).

**HEARING DATE:** October 18, 2017

**DECISION DATE:** October 18, 2017

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum, dated June 28, 2017, from the Zoning Administrator, certifying the required relief. (Exhibit 7.)

The Board of Zoning Adjustment (“the Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 3B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC’s report dated August 14, 2017 indicated that at a regularly scheduled, properly noticed public meeting, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibit 13.)

The Office of Planning (“OP”) submitted a timely report, dated October 6, 2017, in support of the application. (Exhibit 35.) The District Department of Transportation (“DDOT”) submitted a timely report, dated October 6, 2017, expressing no objection to the approval of the application. (Exhibit 34.)

A petition with five signatures, including both adjacent neighbors, in support of the application was submitted to the record. (Exhibit 10.)

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<sup>1</sup>The Applicant orally amended the application to accept the Office of Planning’s recommendation (Exhibit 35) to add special exception relief from the nonconforming structure requirements of Subtitle C § 202.2. The application also was accompanied by a referral from the Zoning Administrator. (Exhibit 7.) The Board accepted the amendment at the hearing and the caption has been amended accordingly.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, the rear yard requirements of Subtitle D § 306.2, and the nonconforming structure requirements of Subtitle C § 202.2. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle D §§ 5201, 304.1, and 306.2, and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 5.**

**VOTE: 4-0-1** (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Anthony J. Hood to APPROVE; one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** October 23, 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.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST

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IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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