

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 34.
PUBLIC UTILITIES.

CHAPTER 3.
GAS AND ELECTRIC CORPORATIONS.

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CHAPTER 3. GAS AND ELECTRIC CORPORATIONS.

§ 34-301. PUBLIC SERVICE COMMISSION; GENERAL POWERS.

The Commission shall, within its jurisdiction:

(1) Have general supervision of all gas companies and electrical companies having authority under any general or special law or under any charter or franchise to lay down, erect, or maintain wires, pipes, conduits, ducts, or other fixtures in, over, or under the streets, highways, and public places in the District of Columbia for the purpose of furnishing or distributing gas or of furnishing or transmitting electricity for light, heat, or power, or maintaining underground conduits or ducts for electrical conductors, and all gas plants and electric plants owned, leased, or operated by any person.

(2) Investigate and ascertain, from time to time, the quality and quantity of gas supplied by persons or corporations; examine or investigate the methods employed by such persons and corporations in manufacturing, distributing, and supplying gas and in transmitting or distributing electricity for light, heat, or power, and in transmitting the same, and have power to order such with respect to manufacturing, distributing, or supplying such gas, or with respect to transmitting or distributing such electricity as will reasonably promote the public interest, preserve the public health, and protect those using such gas or electricity and those employed in the manufacture and distribution of gas or the transmission or distribution of electricity or in the manufacture and operation of the works, wires, poles, lines, conduits, ducts, and systems connected therewith, and have power to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts, and other reasonable devices, apparatus, and property of gas companies and electric companies.

(3) Have power by order to fix from time to time standards for determining the purity or the measurement of the illuminating power of gas to be manufactured, distributed, or sold by persons or corporations for lighting, heating, or power purposes, and to prescribe from time to time the efficiency of the electric transmission or distribution system, and by order to require the gas so manufactured, distributed, or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons or corporations. For the purpose of determining whether the gas manufactured, distributed, or sold by such persons or corporations for lighting, heating, or power purposes conforms to the standards of illuminating power, purity, and pressure, and for the purpose of determining whether the efficiency of the electric transmission or distribution system conforms to the orders issued by the Commission, the Commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering, and supplying gas or transmitting or distributing electricity, and shall have access, through its members or persons employed and authorized by it to make such examinations and investigations, to all parts of the manufacturing plants owned, used, or operated for the manufacture, transmission, or distribution of gas or the transmission or distribution of electricity by any such person or corporation. Any employee or agent of the Commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except insofar as he may be directed by the Commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 for each offense.

(Mar. 4, 1913, 37 Stat. 986, ch. 150, § 8, par. 55; May 9, 2000, D.C. Law 13-107, § 201(k), 47 DCR 1091; Mar. 16, 2005, D.C. Law 15-227, § 17(b), 51 DCR 10549.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1001.

1973 Ed., § 43-601.

Effect of Amendments

D.C. Law 13-107 made numerous changes in text. Prior to amendment the section provided:

The Commission shall, within its jurisdiction:

"(1) Have general supervision of all gas corporations and electrical corporations having authority under any general or special law or under any charter or franchise to lay down, erect, or maintain wires, pipes, conduits, ducts, or other fixtures in, over, or under the streets, highways, and public places in the District of Columbia for the purpose of furnishing or distributing gas or of furnishing or transmitting electricity for light, heat, or power, or maintaining underground conduits or ducts for electrical conductors, and all gas plants and electric plants owned, leased, or operated by any corporation.

"(2) Investigate and ascertain, from time to time, the quality and quantity of gas supplied by persons or corporations; examine or investigate the methods employed by such persons and corporations in manufacturing, distributing, and supplying gas or electricity for light, heat, or power, and in transmitting the same, and have power to order such reasonable improvements as will reasonably promote the public interest, preserve the public health, and protect those using such gas or electricity and those employed in the manufacture and distribution thereof or in the manufacture and operation of the works, wires, poles, lines, conduits, ducts, and systems connected therewith, and have power to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts, and other reasonable devices, apparatus, and property of gas corporations and electrical corporations.

"(3) Have power by order to fix from time to time standards for determining the purity or the measurement of the illuminating power of gas to be manufactured, distributed, or sold by persons or corporations for lighting, heating, or power purposes, and to prescribe from time to time the efficiency of the electric supply system, of the current supplied, and of the lamps furnished by the persons or corporations generating and selling electric current, and by order to require the gas so manufactured, distributed, or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons or corporations. For the purpose of determining whether the gas manufactured, distributed, or sold by such persons or corporations for lighting, heating, or power purposes conforms to the standards of illuminating power, purity, and pressure, and for the purpose of determining whether the efficiency of the electric supply system, of the current supplied, and of the lamps furnished conforms to the orders issued by the Commission, the Commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering, and supplying gas or electricity, and shall have access, through its members or persons employed and authorized by it to make such examinations and investigations, to all parts of the manufacturing plants owned, used, or operated for the manufacture, transmission, or distribution of gas or electricity by any such person or corporation. Any employee or agent of the Commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except insofar as he may be directed by the Commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 for each offense."

D.C. Law 15-227, in pars. (1) and (2), substituted "gas companies" for "gas corporations".

Legislative History of Laws

Law 13-107, the "Retail Electric Competition and Consumer Protection Act of 1999," was introduced in Council and assigned Bill No. 13-284, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 7, 1999, and December 21, 1999, respectively. Signed by the Mayor on January 18, 2000, it was assigned Act No. 13-256 and transmitted to both Houses of Congress for its review. D.C. Law 13-107 became effective on May 9, 2000.

For Law 15-227, see notes following § 34-208.

§ 34-302. APPROVAL OF CONSTRUCTION OF GAS OR ELECTRIC PLANT.

No person shall begin the construction of a gas plant or an electric plant without first having obtained the permission and approval of the Commission.

(Mar. 4, 1913, 37 Stat. 987, ch. 150, § 8, par. 56; May 9, 2000, D.C. Law 13-107, § 201(l), 47 DCR 1091.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1002.

1973 Ed., § 43-602.

Effect of Amendments

D.C. Law 13-107 rewrote the section which formerly provided:

"No gas corporation or electrical corporation shall begin the construction of a gas plant or electric plant without first having obtained the permission and approval of the Commission."

For Law 13-107, see notes following § 34-301.

§ 34-302.01. RULE FOR PURCHASES OF DISTRIBUTION TRANSFORMERS.

The Commission shall adopt a rule in accordance with § 8-1771.06.

(Mar. 4, 1913, ch. 50, § 8, par. 56A, as added Dec. 11, 2007, D.C. Law 17-64, § 8, 54 DCR 10964.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 17-64, the "Energy Efficiency Standards Act of 2007", was introduced in Council and assigned Bill No. 17-211 which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on July 10, 2007, and October 2, 2007, respectively. Signed by the Mayor on October 19, 2007, it was assigned Act No. 17-165 and transmitted to both Houses of Congress for its review. D.C. Law 17-64 became effective on December 11, 2007.

§ 34-303. INSPECTORS OF GAS AND ELECTRIC METERS; INSPECTION OF METERS; COMMISSION TO MAKE RULES AND REGULATIONS.

(a) The Commission shall appoint inspectors of gas meters, whose duty it shall be, when required by the Commission, to inspect, examine, and ascertain the accuracy of gas meters used or intended to be used for measuring and ascertaining the quantity of gas furnished for light, heat, or power by any person or corporation to or for the use of any person or corporation.

(b) No corporation or person shall furnish, set, or put in use any gas meter which shall not have been inspected and proved for accuracy, or any meter the type of which shall not have been approved by the Commission or by an inspector of the Commission.

(c) The Commission shall appoint inspectors of electric meters, whose duty it shall be, when required by the Commission, to inspect, examine, and ascertain the accuracy of any and all electric meters used or intended to be used for measuring and ascertaining the quantity of electric current furnished for light, heat, or power by any person or corporation to or for the use of any person or corporation, and to inspect, examine, and ascertain the accuracy of all apparatus for testing and proving the accuracy of electric meters; and when found to be or made to be correct the inspector shall stamp or mark all such meters and apparatus with some suitable device, which device shall be recorded in the office of the Commission. No corporation or person shall furnish, set, or put in use any electric meter the type of which shall not have been approved by the Commission or any meter not approved by an inspector of the Commission.

(d) Every person shall provide, repair, and maintain such suitable premises and apparatus and facilities as may be required and approved by the Commission for testing and proving the accuracy of gas and electric meters furnished for use by it, and by which apparatus every meter may be tested.

(e) If any consumer to whom a meter has been furnished shall request the Commission in writing to inspect such meter, the Commission shall have the same inspected and tested; if the same, on being so tested, shall be found to be more than 2 per centum defective or incorrect to the prejudice of the consumer, the inspector shall order the person furnishing the meter forthwith to remove the same and to place instead a correct meter, and the expense of such inspection and test shall be borne by the person; if the same, on being so tested, shall be found to be correct, the expense of such inspection and test shall be borne by the consumer.

(f) The Commission shall prescribe such rules and regulations to carry into effect the provisions of this section as it may deem necessary and shall fix uniform reasonable charges for the inspection and testing of meters upon complaint.

(Mar. 4, 1913, 37 Stat. 987, ch. 150, § 8, par. 57; Apr. 5, 1939, 53 Stat. 568, ch. 38; Aug. 11, 1971, 85 Stat. 319, Pub. L. 92-94, § 1(a); May 9, 2000, D.C. Law 13-107, § 201(m), 47 DCR 1091.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1003.

1973 Ed., § 43-603.

Effect of Amendments

D.C. Law 13-107 in the fourth unnumbered paragraph of subsec. (d) substituted "person" for "gas corporation and electrical corporation"; and in the fifth unnumbered paragraph of subsec. (e) substituted "person furnishing the meter" for "gas or electrical corporation" and "person" for "corporation".

For Law 13-107, see notes following § 34-301.

§ 34-304. EXCESSIVE CHARGES A COMPLETE DEFENSE IN SUIT TO COLLECT FOR GAS OR ELECTRICITY FURNISHED.

If it be alleged and established in an action brought in any court for the collection of any charge for gas or electricity that a price has been demanded in excess of that fixed by the Commission or by statute no recovery shall be had therein, but the fact that such excessive charges have been made shall be a complete defense to such action.

(Mar. 4, 1913, 37 Stat. 987, ch. 150, § 8, par. 58.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1004.

1973 Ed., § 43-604.

§ 34-305. APPOINTMENT AND REMOVAL OF INSPECTORS AND ASSISTANT INSPECTORS OF GAS AND METERS.

The appointment and power to remove the Inspector of Gas and Meters and Assistant Inspectors of Gas and Meters from office is hereby vested in the Commission. All the powers and duties of such inspectors conferred and imposed by statute shall be exercised and performed under the supervision and control of the Commission.

(Mar. 4, 1913, 37 Stat. 987, ch. 150, § 8, par. 59.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1005.

1973 Ed., § 43-605.

§ 34-306. INSPECTOR OF GAS AND METERS TO TRANSFER BOOKS TO COMMISSION.

The Inspector of Gas and Meters provided for by law prior to March 4, 1913, shall transfer and deliver to the Commission all books, maps, papers, records, apparatus, and the property of whatsoever description in his possession, and said Commission is authorized to take possession of all books, maps, papers, records, apparatus, and property of whatsoever description.

(Mar. 4, 1913, 37 Stat. 988, ch. 150, § 8, par. 60.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1006.

1973 Ed., § 43-606.