

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 34.
PUBLIC UTILITIES.

CHAPTER 4.
GENERAL PROVISIONS.

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CHAPTER 4. GENERAL PROVISIONS.

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CHAPTER 4. GENERAL PROVISIONS.

§ 34-401. UTILITIES TO REPORT ACCIDENTS; COMMISSION MAY INVESTIGATE.

(a) Every public utility shall, whenever an incident occurs within the District of Columbia that results in the loss of human life, personal injury requiring hospitalization, or service disruption directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the Public Service Commission and the Office of the People's Counsel of the District of Columbia. In the event of any such incident, the public utility shall also submit a written report to the Commission that explains the cause of the incident, what steps if any the public utility will undertake to prevent such an occurrence in the future, and such other information which the Public Service Commission shall, by order or regulation, require. The Commission, by regulation or order, shall establish the minimum criteria for a service disruption (e.g., time period or minimum number of affected customers) that warrants notification and a report under this section. The Commission, if it deems the public interest requires it, shall cause an investigation to be made of any incident.

(b) The report required by subsection (a) of this section shall not be admitted into evidence for any purpose in any suit or action for damages arising out of the loss of life, injury, or service interruption referred to in this subtitle.

(Mar. 4, 1913, 37 Stat. 992, ch. 150, § 8, par. 89; Apr. 12, 2005, D.C. Law 15-342, § 303(a), 52 DCR 2346.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-101.

1973 Ed., § 43-1001.

Effect of Amendments

D.C. Law 15-342 rewrote the section which had read as follows:

"Every public utility shall, whenever an accident attended with loss of human life or personal injury without loss of human life occurs within the District of Columbia, upon its premises, or directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the Public Service Commission of the District of Columbia. In the event of any such accident, the Commission, if it deem the public interest requires it, shall cause an investigation to be made forthwith."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 303(a) of Omnibus Utility Emergency Amendment Act of 2005 (D.C. Act 16-12, January 28, 2005, 52 DCR 2945).

Legislative History of Laws

Law 15-342, the "Omnibus Utility Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-872 which was referred to the Committee on Public Interest. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 31, 2005, it was assigned Act No. 15-760 and transmitted to both Houses of Congress for its review. D.C. Law 15-342 became effective on April 12, 2005.

§ 34-402. COMMISSION TO INQUIRE INTO VIOLATIONS BY UTILITIES; ENFORCEMENT OF LAWS AFFECTING UTILITIES.

The Commission shall inquire into any neglect or violation of the laws or regulations in force in the District of Columbia by any public utility doing business therein, or by the officers, agents, or employees thereof, or by any person operating the plant of any public utility, and shall have the power, and it shall be its duty, to enforce the provisions of this subtitle as well as all other laws relating to public utilities.

(Mar. 4, 1913, 37 Stat. 993, ch. 150, § 8, par. 90.)

Prior Codifications

1981 Ed., § 43-102.

1973 Ed., § 43-1002.

§ 34-403. CHAPTERS TO BE LIBERALLY CONSTRUED; SEVERABILITY OF PROVISIONS.

The provisions of this subtitle shall be interpreted and construed liberally in order to accomplish the purposes thereof, and where any specific power or authority is given the Commission by the provisions of this subtitle the enumeration thereof shall not be held to exclude or impair any power or authority otherwise in this subtitle conferred on said Commission; provided, that the supply and sale of electricity shall not be regulated by the Commission except as expressly set forth in Chapter 15 of this title; provided further, that the supply and sale of natural gas by a licensed natural gas supplier shall not be regulated by the Commission except as expressly set forth in Chapter 16C of this title; provided further, that Internet Protocol-enabled Service, as defined in § 34-2001(7A), or Voice Over Internet Protocol-enabled Service, as defined in § 34-2001(23), shall not be regulated by the Commission. The Commission hereby created shall have, in addition to the powers in this subtitle specified, mentioned, and indicated all additional, implied, and incidental power which may be proper and necessary to effect and carry out, perform, and execute all the said powers herein specified, mentioned, and indicated. A substantial compliance with the requirements of this subtitle shall be sufficient to give effect to all the rules, orders, acts, and regulations of the Commission, and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto. That each section of this subtitle, and every part of each section, are hereby declared to be independent sections and the holding of any section or sections or part or parts thereof to be void, ineffective, or unconstitutional for any cause shall not be deemed to affect any other section or part thereof.

(Mar. 4, 1913, 37 Stat. 993, ch. 150, § 8, par. 92; May 9, 2000, D.C. Law 13-107, § 201(a), 47 DCR 1091; Mar. 16, 2005, D.C. Law 15-227, § 17(c), 51 DCR 10549; June 5, 2008, D.C. Law 17-165, § 2, 55 DCR 5171.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-103.

1973 Ed., § 43-1003.

Effect of Amendments

D.C. Law 13-107 added the concluding proviso.

D.C. Law 15-227, at the end of the first sentence, inserted "; provided further, that the supply and sale of natural gas by a licensed natural gas supplier shall not be regulated by the Commission except as expressly set forth in Chapter 16C of this title".

D.C. Law 17-165 inserted "; provided further, that Internet Protocol-enabled Service, as defined in § 34-2001(7A), or Voice Over Internet Protocol-enabled Service, as defined in § 34-2001(23), shall not be regulated by the Commission".

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.

Law 17-165, the "Telecommunications Competition Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-332 which was referred to the Committee on Public Service and Consumer Affairs. The Bill was adopted on first and second readings on March 4, 2008, and April 1, 2008, respectively. Signed by the Mayor on April 14, 2008, it was assigned Act No. 17-339 and transmitted to both Houses of Congress for its review. D.C. Law 17-165 became effective on June 5, 2008.

§ 34-404. NUMBER OF DIRECTORS OF PUBLIC UTILITIES.

The Board of Directors of every public utility shall consist of not more than 17 nor less than 7 members,

within which limitation the membership may be in any case increased or diminished, as the stockholders or the Board of Directors may from time to time determine.

(Mar. 4, 1913, 37 Stat. 996, ch. 150, § 8, par. 100; July 20, 1996, D.C. Law 11-146, § 2, 43 DCR 2845.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-104.

1973 Ed., § 40-1004.

Legislative History of Laws

Law 11-146, the "Public Utilities Board of Directors Amendment Act of 1996," was introduced in Council and Assigned Bill No. 11-536, which was referred to the Committee on Public Services and Regional Authorities. The Bill was adopted on first and second readings on April 2, 1996, and May 7, 1996, respectively. Signed by the Mayor on May 20, 1996, it was assigned Act No. 11- 270 and transmitted to both Houses of Congress for its review. D.C. Law 11- 146 became effective on July 20, 1996.

§ 34-405. EXISTING LAWS TO REMAIN IN FORCE.

Except as modified or changed by this subtitle and until modified or changed under its provisions, all charters, statutes, laws, ordinances, and regulations in force on March 4, 1913, shall remain and continue to be in full force and effect until altered, amended, or repealed according to law; provided, that all charters, statutes, acts, and parts of acts, laws, ordinances, and regulations enacted prior to March 4, 1913, inconsistent and repugnant to the provisions of this subtitle, and only so far as inconsistent and repugnant thereto, are hereby repealed.

(Mar. 4, 1913, 37 Stat. 996, ch. 150, § 8, par. 101.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-105.

1973 Ed., § 43-1005.

§ 34-406. ACTION PENDING MARCH 4, 1913, UNAFFECTED BY THIS SUBTITLE.

This subtitle shall not affect actions or proceedings, civil or criminal, or quasi-criminal, pending on March 4, 1913, but the same may be prosecuted or defended as provided by preexisting law or regulation.

(Mar. 4, 1913, 37 Stat. 996, ch. 150, § 8, par. 102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-106.

1973 Ed., § 43-1006.

§ 34-407. RIGHT TO ALTER, AMEND, OR REPEAL RESERVED.

Congress reserves the right to alter, amend, or repeal this subtitle.

(Mar. 4, 1913, 37 Stat. 996, ch. 150, § 8, par. 103.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-107.

1973 Ed., § 43-1007.