

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 34.
PUBLIC UTILITIES.

CHAPTER 6.
ORDERS AND COURT PROCEEDINGS.

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CHAPTER 6. ORDERS AND COURT PROCEEDINGS.

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CHAPTER 6. ORDERS AND COURT PROCEEDINGS.

§ 34-601. SCHEDULES TO CONFORM TO ORDERS OF COMMISSION; SCHEDULE OF CHANGES TO BE APPROVED BY COMMISSION.

All public utilities to which an order of the Commission applies shall make such changes in their schedules on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any public utility in any such rates, tolls, or charges, or in any joint rate or rates, without the approval of the Commission. Certified copies of all other orders of the Commission shall be delivered to the public utility affected thereby in like manner, and the same shall take effect within such reasonable time thereafter as the Commission shall prescribe.

(Mar. 4, 1913, 37 Stat. 988, ch. 150, § 8, par. 61.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-901.

1973 Ed., § 43-701.

§ 34-602. COMMISSION MAY RESCIND, ALTER, OR AMEND ORDERS FIXING RATES.

The Commission may, at any time, upon notice to the public utility and after opportunity to be heard as provided in § 34-910, rescind, alter, or amend any order fixing any rate or rates, tolls, charges, or schedules, or any other order made by the Commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

(Mar. 4, 1913, 37 Stat. 988, ch. 150, § 8, par. 62.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-902.

1973 Ed., § 43-702.

§ 34-603. RATES TO BE IN FORCE AND TO BE PRIMA FACIE REASONABLE.

All rates, tolls, charges, time and condition of payment thereof, schedules, and joint rates fixed by the Commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose.

(Mar. 4, 1913, 37 Stat. 988, ch. 150, § 8, par. 63.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-903.

1973 Ed., § 43-703.

§ 34-604. APPLICATION TO COURT OF APPEALS FOR INSTRUCTIONS; APPLICATION FOR RECONSIDERATION.

(a) If at any time the Commission shall be in doubt of the elements of value to be by them considered in arriving at the true valuation under the provisions of this subtitle, they are authorized and empowered to institute a proceeding in equity in the District of Columbia Court of Appeals petitioning said court to instruct them as to the element or elements of value to be by them considered as aforesaid, and the particular utility under valuation at the time shall be made party defendant in said action.

(b) Any public utility or any other person or corporation affected by any final order or decision of the Commission may, within 30 days after the publication thereof, file with the Commission an application in writing requesting a reconsideration of the matters involved, and stating specifically the errors claimed as grounds for such reconsideration. No public utility or other person or corporation shall in any court urge or rely on any ground not so set forth in said application. The Commission, within 30 days after the filing of such application, shall either grant or deny it. Failure by the Commission to act upon such application within such period shall be deemed a denial thereof. If such application be granted, the Commission, after giving notice thereof to all interested parties, shall, either with or without hearing, rescind, modify, or affirm its order or decision. The filing of such an application shall act as a stay upon the execution of the order or decision of the Commission until the final action of the Commission upon the application; provided, that upon written consent of the utility such order or decision shall not be stayed unless otherwise ordered by the Commission. No appeal shall lie from any order of the Commission unless an application for reconsideration shall have been first made and determined.

(Mar. 4, 1913, 37 Stat. 988, ch. 150, § 8, par. 64; Aug. 27, 1935, 49 Stat. 882, ch. 742, § 1; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 588, Pub. L. 91-358, title I, § 168(a)(1).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-904.

1973 Ed., § 43-704.

Editor's Notes

Former § 43-910 [1981 Ed.], 49 Stat. 885, ch. 742, § 4, provided that if any provision this section or the application to any person or circumstances is held invalid, the invalidity of the remainder of said sections and of the application of such provision to other persons and circumstances shall not be affected thereby.

§ 34-605. APPEAL TO COURT OF APPEALS FROM CERTAIN ORDERS; STATEMENT TO ACCOMPANY DECISION; COMMISSION NOT LIABLE FOR COSTS OR DAMAGES.

(a) The District of Columbia Court of Appeals shall have jurisdiction to hear and determine any appeal from an order or decision of the Commission. Any public utility or any other person or corporation affected by any final order or decision of the Commission, other than an order fixing or determining the value of the property of a public utility in a proceeding solely for that purpose, may, within 60 days after final action by the Commission upon the petition for reconsideration, file with the Clerk of the District of Columbia Court of Appeals a petition of appeal setting forth the reasons for such appeal and the relief sought; at the same time such appellant shall file with the Commission notice in writing of the appeal together with a copy of the petition. Within 20 days of the receipt of such notice of appeal the Commission shall file with the Clerk of the said Court the record, including a transcript of all proceedings had and testimony taken before the Commission, duly certified, upon which the said order or decision of the Commission was based, together with a statement of its findings of fact and conclusions upon the said record, and a copy of the application for reconsideration and the orders entered thereon; provided, that the parties, with the consent and approval of the Commission, may stipulate in writing that only certain portions of the record be transcribed and transmitted. Within this period the Commission or any other interested party shall answer, demur, or otherwise move or plead. Thereupon the appeal shall be at issue and ready for hearing. All such proceedings shall have precedence over any civil cause of a different nature pending in said Court, and the District of Columbia Court of Appeals shall always be deemed open for the hearing thereof. Any such appeal shall be heard upon the record before the Commission, and no new or additional evidence shall be received by the said Court. The said Court, or any judge or judges thereof, before whom any such appeal shall be heard, may require and direct the Commission to receive additional evidence upon any subject related to the issues on said appeal concerning which evidence was improperly excluded in the hearing before the Commission or upon which the record may contain no substantial evidence. Upon receipt of such requirement and direction the Commission shall receive such evidence and without reasonable delay shall transmit to the said Court the findings of fact made thereon by the Commission and the conclusions of the Commission upon the said facts.

(b) Upon the conclusion of its hearings of any such appeal the Court shall either dismiss the said appeal and affirm the order or decision of the Commission or sustain the appeal and vacate the Commission's

order or decision. In either event the Court shall accompany its order by a statement of its reasons for its action and in the case of the vacation of an order or decision of the Commission the statement shall relate the particulars in and the extent to which such order or decision was defective.

(c) Said Commission shall not, nor shall any of its members, officers, agents, or employees, be taxed with any costs, nor shall they or any of them be required to give any supersedeas bond or security for costs or damages on any appeal whatsoever. Said Commission, or any of its members, officers, agents, or employees, shall not be liable to suit or action or for any judgment or decree for any damages, loss, or injury claimed by any public utility or person, nor required in any case to make any deposit for costs or pay for any service to the clerks of any court or to the Marshal of the United States.

(Mar. 4, 1913, 37 Stat. 989, ch. 150, § 8, par. 65; Aug. 27, 1935, 49 Stat. 882, ch. 742, § 2; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(a), (b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 583, 588, Pub. L. 91-358, title I, §§ 163(i)(2), 168(a)(2).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-905.

1973 Ed., § 43-705.

Editor's Notes

Former § 43-910 [1981 Ed.], 49 Stat. 885, ch. 742, § 4, provided that if any provision this section or the application to any person or circumstances is held invalid, the invalidity of the remainder of said sections and of the application of such provision to other persons and circumstances shall not be affected thereby.

§ 34-606. APPEAL LIMITED TO QUESTIONS OF LAW.

In the determination of any appeal from an order or decision of the Commission the review by the Court shall be limited to questions of law, including constitutional questions; and the findings of fact by the Commission shall be conclusive unless it shall appear that such findings of the Commission are unreasonable, arbitrary, or capricious.

(Mar. 4, 1913, 37 Stat. 989, ch. 150, § 8, par. 66; Aug. 27, 1935, 49 Stat. 883, ch. 742, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-906.

1973 Ed., § 43-706.

Editor's Notes

Former § 43-910 [1981 Ed.], 49 Stat. 885, ch. 742, § 4, provided that if any provision this section or the application to any person or circumstances is held invalid, the invalidity of the remainder of said sections and of the application of such provision to other persons and circumstances shall not be affected thereby.

§ 34-607. ORDERS TO REMAIN IN FORCE PENDING APPEAL; SUSPENSION OF ORDER.

All orders and decisions of the Commission shall remain in full effect, except as provided in § 34-604 hereof, unless and until they are suspended, superseded, or rescinded by the Commission or are vacated by lawful order of the District of Columbia Court of Appeals; provided, that if in any petition made to the said Court appealing from an order or decision of the Commission it be alleged that substantial and irreparable property loss would be occasioned to the petitioner by the operation of the said order pending the determination of the said appeal, the Court shall set a time and place for hearing upon the said allegation after not less than 3 days notice to the Commission (during which period the execution of the order or decision shall be stayed), and the said Court may then, upon a clear showing of the irreparable and substantial property loss as alleged, suspend the effective date of the said order. No such suspension shall be for a greater period than 60 days without further order after notice or hearing by the Court. In the event of the issuance of an order suspending the operation of any order of the Commission, the Court may include therein such provision as it deems advisable for the preservation of records or accounts and the impounding or otherwise securing of moneys necessary to give effect to the order of the Commission in the event the said order is sustained.

(Mar. 4, 1913, 37 Stat. 989, ch. 150, § 8, par. 67; Aug. 27, 1935, 49 Stat. 884, ch. 742, § 2; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 588, Pub. L. 91-358, title I, § 168(a)(3).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-907.

1973 Ed., § 43-707.

Editor's Notes

Former § 43-910 [1981 Ed.], 49 Stat. 885, ch. 742, § 4, provided that if any provision this section or the application to any person or circumstances is held invalid, the invalidity of the remainder of said sections and of the application of such provision to other persons and circumstances shall not be affected thereby.

§ 34-608. AUTHORITY OF COMMISSION TO RESCIND ITS ORDER AFTER APPEAL IS FILED.

The Commission may at any time, rescind, alter, modify, or amend its order. If, after appeal is filed, the Commission shall rescind the order or decision appealed from, the appeal shall be dismissed; if it shall alter, modify, or amend the same, such altered, modified, or amended order or decision shall take the place of the original order and the Court shall proceed thereon as though the late order had been made by the Commission in the first instance.

(Mar. 4, 1913, 37 Stat. 989, ch. 150, § 8, par. 69; Aug. 27, 1935, 49 Stat. 884, ch. 742, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-908.

1973 Ed., § 43-709.

Editor's Notes

Former § 43-910 [1981 Ed.], 49 Stat. 885, ch. 742, § 4, provided that if any provision this section or the application to any person or circumstances is held invalid, the invalidity of the remainder of said sections and of the application of such provision to other persons and circumstances shall not be affected thereby.

§ 34-609. METHOD OF REVIEW EXCLUSIVE.

The method of review of the orders and decisions of the Commission provided by §§ 34-604 to 34-608, herein, shall be exclusive.

(Mar. 4, 1913, ch. 150, § 8, par. 69a; Aug. 27, 1935, 49 Stat. 884, ch. 742, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-909.

1973 Ed., § 43-710.

Editor's Notes

Former § 43-910 [1981 Ed.], 49 Stat. 885, ch. 742, § 4, provided that if any provision this section or the application to any person or circumstances is held invalid, the invalidity of the remainder of said sections and of the application of such provision to other persons and circumstances shall not be affected thereby.

§ 34-610. PRODUCTION OF INCRIMINATING EVIDENCE COMPELLABLE; IMMUNITY FROM PROSECUTION.

No person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this subtitle, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence; provided, that no person so testifying shall be exempted from prosecution or punishment for perjury; provided further, that the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

(Mar. 4, 1913, 37 Stat. 989, ch. 150, § 8, par. 70.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-911.

1973 Ed., § 43-712.

§ 34-611. COMMISSION TO FURNISH CERTIFIED COPIES OF ORDERS.

Upon application of any person the Commission shall furnish certified copies, under the seal of the Commission, of any order made by it, which shall be prima facie evidence of the facts stated therein.

(Mar. 4, 1913, 37 Stat. 990, ch. 150, § 8, par. 71.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-912.

1973 Ed., § 43-713.