

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 34.**  
**PUBLIC UTILITIES.**

**CHAPTER 8.**  
**PUBLIC SERVICE COMMISSION; MEMBERS;**  
**COUNSEL; EMPLOYEES.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 8. PUBLIC SERVICE COMMISSION;**  
**MEMBERS; COUNSEL; EMPLOYEES.**

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# **CHAPTER 8. PUBLIC SERVICE**

## **COMMISSION; MEMBERS; COUNSEL;**

### **EMPLOYEES.**

#### **§ 34-801. MEMBERS; ELIGIBILITY; OATH.**

The Public Service Commission of the District of Columbia shall be composed of 3 commissioners appointed by the Mayor by and with the advice and consent of the Council, except that the members (other than the Mayor of the District of Columbia) serving as commissioners of such Commission on January 1, 1975, by virtue of their appointment by the President, by and with the advice and consent of the Senate, shall continue to serve until the expiration of the terms for which they were so appointed. One of the 3 commissioners shall be designated as Chairperson of the Commission by the Mayor of the District of Columbia, with the advice and consent of the Council. Such designation shall continue for the length of the appointee's unexpired term or until otherwise terminated by the Mayor. The members first appointed by the Mayor, by and with the advice and consent of the Council, on or after January 2, 1975, shall serve until June 30, 1978. The Mayor may remove any commissioner for neglect of duty or misconduct in office. When the Mayor determines that any member has engaged in any neglect of duty or misconduct in office, he or she shall notify such member, in writing, of the charge against him or her and that such member has 10 days within which to request a hearing before the Council on such charge. If such member fails to request a hearing within 10 days after receiving such notice, then the Mayor may remove such member and appoint a new member. The hearing requested by a member may be either open or closed, as requested by such member. In the event such hearing is closed, the vote of the Council as a result of such hearing shall be taken at an open meeting of the Council. The Council shall begin such hearings within 60 calendar days after receiving notice from the Mayor indicating that a member has requested such a hearing. If two-thirds of the Council members vote to remove such member, then such member shall be removed. The Mayor may appoint a new member to serve until the expiration of the term of the member so removed. The Chairperson of the Commission shall serve as the chief administrative officer of the Commission. The terms of office of all successors shall expire 4 years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. No commissioner shall, during his term of office, hold any other public office. The Chairperson shall receive a salary equivalent to that received by an employee compensated at grade 17, step 10 pursuant to subchapter VIII of Chapter 6 of Title 1. The Commissioners shall receive a salary equivalent to that received by an employee compensated at grade 17, step 8 pursuant to subchapter VIII of Chapter 6 of Title 1. The Mayor shall furnish the Public Service Commission with suitable offices and quarters. No person shall be eligible to the office of commissioner of the Public Service Commission of the District of Columbia who has not been a bona fide resident of the District of Columbia for a period of at least 3 years next preceding his appointment or who has voted or claimed residence elsewhere during such period. No person shall be eligible to the office of commissioner of the Public Service Commission who is, or who shall have been during a period of one year preceding his appointment, directly or indirectly interested in any public utility or other entity appearing before the Commission or in any stock, bond, mortgage, security, or contract of any public utility or entity, except for stocks that are part of a publicly listed mutual fund other than a utility-focused mutual fund. A person shall not be eligible for appointment as a commissioner if the person, at any time during the 5 years preceding appointment, personally served as an officer, director, owner, manager, partner, or legal representative of a public utility, affiliate, or direct competitor of a public utility. If any such commissioner shall voluntarily become so interested, his office shall ipso facto become vacant; and if any such commissioner shall become so interested otherwise than voluntarily he shall, within a reasonable time, divest himself of such interest, and if he fails to do so his office shall become vacant. Before entering upon the duties of his office each commissioner, the secretary of the Commission, the counsel of the Commission and every employee of said Commission shall take and subscribe the constitutional oath of office, and shall in addition thereto make oath or affirmation before and file with the clerk of the Superior Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involuntarily, directly or indirectly, in any public utility in the District of Columbia.

(Mar. 4, 1913, 37 Stat. 995, ch. 150, § 8, par. 97(a); Dec. 15, 1926, 44 Stat. 920, ch. 8, § 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; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21; July 29, 1970, 84 Stat. 572, Pub. L. 91-358, title I, § 155(c)(39)(A); Dec. 24, 1973, 87 Stat. 811, Pub. L. 93-198, title IV, § 493(b); Jan. 3, 1975, 88 Stat. 2178, Pub. L. 93-635, § 17; Mar. 3, 1979, D.C. Law 2-139, § 3205(hhh), 25 DCR 5740; Oct. 24, 1981, D.C. Law 4-43, § 2, 28 DCR 4261; Apr. 12, 2005, D.C. Law 15-342, § 303(c), 52 DCR 2346; Mar. 2, 2007, D.C. Law 16-191, § 50, 53 DCR 6794.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-401.

1973 Ed., § 43-201.

##### *Effect of Amendments*

D.C. Law 15-342 substituted "The Chairperson shall receive a salary equivalent to that received by an employee compensated at grade 17, step 10 pursuant to subchapter VIII of Chapter 6 of Title 1. The Commissioners shall receive a salary equivalent to that received by an employee compensated at grade 17, step 8 pursuant to subchapter VIII of Chapter 6 of Title 1." for "Each of the commissioners shall receive a salary equivalent to that received by an employee compensated at the top level of grade 16 pursuant to subchapter XI of Chapter 6 of Title 1."; and substituted "No person shall be eligible to the office of commissioner of the Public Service Commission who is, or who shall have been during a period of one year preceding his appointment, directly or indirectly interested in any public utility or other entity appearing before the Commission or in any stock, bond, mortgage, security, or contract of any public utility or entity, except for stocks that are part of a publicly listed mutual fund other than a utility-focused mutual fund. A person shall not be eligible for appointment as a commissioner if the person, at any time during the 5 years preceding appointment, personally served as an officer, director, owner, manager, partner, or legal representative of a public utility, affiliate, or direct competitor of a public utility." for "No person shall be eligible to the office of commissioner of said Public Service Commission who is, or who shall have been during a period of 5 years next preceding his appointment, directly or indirectly interested in any public utility operating, owning, or having an interest in property in the District of Columbia; or in any stock, bond, mortgage, security, or contract of any such public utility."

D.C. Law 16-191 validated a previously made technical correction.

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2 of the Public Service Commission Holdover Temporary Amendment Act of 2009 (D.C. Law 17-385, March 31, 2009, law notification 56 DCR 3451).

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see §§ 303(c), 401 of Omnibus Utility Emergency Amendment Act of 2005 (D.C. Act 16-12, January 28, 2005, 52 DCR 2945).

For temporary (90 day) amendment of section, see § 2 of Public Service Commission Holdover Emergency Amendment Act of 2008 (D.C. Act 17-633, January 3, 2009, 56 DCR 659).

##### *Legislative History of Laws*

Law 2-139 was introduced in Council and assigned Bill No. 2-10, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 17, 1978 and October 31, 1978, respectively. Signed by the Mayor on November 22, 1978, it was assigned Act No. 2-300 and transmitted to both Houses of Congress for its review.

Law 4-43 was introduced in Council and assigned Bill No. 4-156, which was referred to the Committee on Government Operations and the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on July 14, 1981, and July 28, 1981, respectively. Signed by the Mayor on August 6, 1981, it was assigned Act No. 4-78 and transmitted to both Houses of Congress for its review.

For Law 15-342, see notes following § 34-401.

For Law 16-191, see notes following § 34-209.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government

were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

*Miscellaneous Notes*

Section 401 of D.C. Law 15-342 provides:

"Sec. 401. Applicability.

"Sections 303(c)(1) and 307 shall apply as of October 1, 2004."

## **§ 34-802. QUORUM; INVESTIGATIONS; RULES AND REGULATIONS.**

A majority of the commissioners shall constitute a quorum to do business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the Commission. Any investigation, inquiry, or hearing within the powers of the Commission may be made or held by any commissioner, whose acts and orders, when approved by the Commission, shall be deemed to be the order of the Commission. The Commission shall have power to adopt and publish rules and regulations for the administration of the provisions of this subtitle, including the conduct of its investigations, inquiries, hearings, and other proceedings.

(Mar. 4, 1913, 37 Stat. 995, ch. 150, § 8, par. 97(b); Dec. 15, 1926, 44 Stat. 921, ch. 8, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-403.

1973 Ed., § 43-202.

*Editor's Note*

Section 2 of An Act to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes, 44 Stat. 921 [former § 43-404, 1981 Ed.], provided that this section not be construed to invalidate certain acts of the prior Commission including those relating to orders or rules, complaints, inquiries or hearings, actions or proceedings.

## **§ 34-803. OFFICE OF THE GENERAL COUNSEL.**

There is established within the Public Service Commission an Office of the General Counsel. The head of such Office shall be the General Counsel, who shall be appointed by and serve at the pleasure of the Commission. The Commission may, upon the recommendation of the General Counsel and within the limits of appropriations therefor, employ and fix the compensation of such other employees, including attorneys, in accordance with the provisions of subchapters VIII and IX of Chapter 6 of Title 1, as may be necessary to assist the General Counsel in carrying out his duties under this section. The duty of the General Counsel shall be, and he is authorized, to represent and appear for the Commission in all actions and proceedings under this section, or under or in reference to any act, order, or proceeding of the Commission, and, if directed to do so by the Commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence and prosecute all actions and proceedings directed or authorized by the Commission, and to expedite, in every way possible, final and just determination of all such actions and proceedings; to advise the Commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the Commission and of the members thereof, and generally to perform all duties and services as attorney and counsel which the Commission may reasonably require. The Commission may enforce its orders to any case by legal or equitable remedy in any court of competent jurisdiction, and it shall be the duty of the General Counsel to represent the Commission in every such proceeding. Notwithstanding the foregoing, it shall not be the duty of the General Counsel, nor is he authorized, to prosecute any criminal case for the imposition of any penalty or punishment provided for in this section.

(Mar. 4, 1913, 37 Stat. 993, ch. 150, § 8, par. 91; Feb. 26, 1981, D.C. Law 3-124, § 2, 28 DCR 90.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-405.

1973 Ed., § 43-204.

*Legislative History of Laws*

Law 3-124 was introduced in Council and assigned Bill No. 3-269, which was referred to the Committee on

Government Operations. The Bill was adopted on first and second readings on October 14, 1980 and November 25, 1980, respectively. Signed by the Mayor on December 22, 1980, it was assigned Act No. 3-331 and transmitted to both Houses of Congress for its review.

#### **§ 34-804. PEOPLE'S COUNSEL--APPOINTMENT, COMPENSATION, QUALIFICATIONS; PERSONNEL; DUTIES.**

(a) There is hereby established within the Public Service Commission of the District of Columbia, established by § 34-801, an office to be known as the "Office of the People's Counsel." The Office shall be a party, as of right, in any investigation, valuation, revaluation, or proceeding of any nature by the Public Service Commission of or concerning any public utility operating in the District of Columbia.

(b) There shall be at the head of such Office the People's Counsel who shall be appointed by the Mayor of the District of Columbia, by and with the advice and consent of the Council of the District of Columbia, and who shall serve for a term of 3 years. The People's Counsel shall be entitled to receive compensation at the maximum rate for Level II of the Senior Executive Attorney Service, pursuant to §§ 1-608.53 and 1-608.58. No person shall be appointed to the position of People's Counsel unless that person is admitted to practice before the District of Columbia Court of Appeals. Before entering upon the duties of such office, the People's Counsel shall take and subscribe the same oaths as that required by the commissioners of the Commission, including an oath or affirmation before the Clerk of the Superior Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involuntarily, directly or indirectly, in any public utility in the District of Columbia. The People's Counsel shall be a District resident throughout his or her term and failure to maintain District residency shall result in a forfeiture of the position.

(c) The People's Counsel is authorized to employ or to retain and fix the compensation of employees or independent contractors, including attorneys, necessary to perform the functions vested in the People's Counsel by this section, and § 34-912, as amended by the Utility Regulatory Assessment Clarification Act of 1984, and prescribe their authority and duties.

(c-1) Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within the Office of the People's Counsel unless the applicant declines the preference. This 10-point preference shall be in addition to, and not instead of, qualifications established for the position. All persons hired after February 6, 2008, shall submit proof of residency upon employment in a manner determined by the People's Counsel. An applicant claiming the hiring preference under this section shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of such residency annually to the director of personnel for the Office of the People's Counsel for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment. The People's Counsel shall submit to the Mayor and Council annual reports detailing the names of all new employees and their pay schedules, titles, and place of residence.

(d) The People's Counsel:

- (1) Shall represent and appeal for the people of the District of Columbia at hearings of the Commission and in judicial proceedings in the District of Columbia courts when these proceedings and hearings involve the interests of users of the products of or services furnished by public utilities under the jurisdiction of the Commission;
- (2) May represent and appeal for the people of the District of Columbia at proceedings before related federal regulatory agencies and commissions and federal courts when those proceedings involve the interests of users of the products of or services furnished by public utilities under the jurisdiction of the Commission;
- (3) May represent and appear for petitioners appearing before the Commission for the purpose of complaining in matters of rates or services;
- (4) May investigate independently, or within the context of formal proceedings before the Commission, the services given by, the rates charged by, and the valuation of the properties of the public utilities under the jurisdiction of the Commission; and
- (5) May develop means to otherwise assure that the interests of the users of the products of or services furnished by public utilities under the jurisdiction of the Commission are adequately represented in the course of proceedings before the Commission, federal or District of Columbia courts, or federal regulatory agencies and commissions involving those interests, including public information dissemination, consultative services, and technical assistance.

(e) In defining its positions while advocating on matters pertaining to the operation of public utility or energy companies, the Office shall consider the public safety, the economy of the District of Columbia, the conservation of natural resources, and the preservation of environmental quality.

(Jan. 2, 1975, 88 Stat. 1975, Pub. L. 93-614, § 1; Mar. 3, 1979, D.C. Law 2-139, § 3205(gg), 25 DCR 5740;

Mar. 14, 1985, D.C. Law 5-153, § 2, 31 DCR 6440; Oct. 20, 2005, D.C. Law 16-33, § 3017, 52 DCR 7503; Feb. 6, 2008, D.C. Law 17-108, § 212(a), 54 DCR 10993; Aug. 15, 2008, D.C. Law 17-210, § 2, 55 DCR 6982; Oct. 22, 2008, D.C. Law 17-250, § 402, 55 DCR 9225; Mar. 25, 2009, D.C. Law 17-353, § 212, 56 DCR 1117.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-406.

1973 Ed., § 43-205.

##### *Effect of Amendments*

D.C. Law 16-33 substituted "The People's Counsel shall be entitled to receive compensation at the midpoint rate for Level III of the Senior Executive Attorney Service, pursuant to §§ 1-608.53 and 1-608.58." for "The People's Counsel shall be entitled to receive compensation at the maximum rate as may be established from time to time for GS-16 of the General Schedule under § 5332 of Title 5 of the United States Code or equivalent compensation pursuant to subchapter XI of Chapter 6 of Title 1."

D.C. Law 17-108, in subsec. (b), inserted "The People's Counsel shall be a District resident throughout his or her term and failure to maintain District residency shall result in a forfeiture of the position."; and added subsec. (c-1).

D.C. Law 17-210, in subsec. (b), substituted "Level III" for "Level III" and substituted "at the maximum rate" for "at the midpoint rate".

D.C. Law 17-353 made a technical change in the enacting clause of D.C. Law 16-33, § 3017, which resulted in no change in text.

D.C. Law 17-250 added subsec. (e).

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2 of (D.C. Law 16-248, March 8, 2007, law notification 54 DCR 3033).

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3017 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) amendment of section, see § 2 of Office of the People's Council Term Clarification Emergency Amendment Act of 2006 (D.C. Act 16-526, December 4, 2006, 53 DCR 9822).

For temporary (90 day) amendment of section, see § 402 of Clean and Affordable Energy Emergency Act of 2008 (D.C. Act 17-508, September 25, 2008, 55 DCR 10856).

For temporary (90 day) amendment of section, see § 2 of People's Counsel Holdover Extension Emergency Amendment Act of 2009 (D.C. Act 18-241, December 17, 2009, 56 DCR 9376).

For temporary (90 day) amendment of section, see § 2 of People's Counsel Holdover Extension Emergency Amendment Act of 2010 (D.C. Act 18-345, March 23, 2010, 57 DCR 2858).

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-139, see Historical and Statutory Notes following § 34-801.

For legislative history of D.C. Law 5-153, see Historical and Statutory Notes following § 34-706.

For Law 16-33, see notes following § 34-912.

Law 17-108, the "Jobs for D.C. Residents Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-185 which was referred to the Committee on Workforce Development and Government Operations. The Bill was adopted on first and second readings on July 10, 2007, and October 2, 2007, respectively. Signed by the Mayor on October 26, 2007, it was assigned Act No. 17-172 and transmitted to both Houses of Congress for its review. D.C. Law 17-108 became effective on February 6, 2008.

Law 17-210, the "Compensation and Holdover Clarification Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-452 which was referred to Public Services and Consumer Affairs. The Bill was adopted on first and second readings on May 6, 2008, and June 3, 2008, respectively. Signed by the Mayor on June 18, 2008, it was assigned Act No. 17-406 and transmitted to both Houses of Congress for its review. D.C. Law 17-210 became effective on August 15, 2008.

Law 17-250, the "Clean and Affordable energy Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-492 which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on August 4, 2008, it was assigned Act No. 17-497 and transmitted to both Houses of Congress for its review. D.C. Law 17-250 became effective on October 22, 2008.

#### *References in Text*

The "Utility Regulatory Assessment Clarification Act of 1984," referred to in subsection (c) of this section, is D.C. Law 5-153.

#### *Miscellaneous Notes*

This section was originally enacted Mar. 4, 1913, 37 Stat. 993, ch. 150, § 8. A new paragraph 91A was added establishing the People's Counsel Dec. 15, 1926, 44 Stat. 921, ch. 8, § 3; the Office of People's Counsel established by 44 Stat. 921 was abolished 1952 Reorg. Plan No. 5, § 2(b), 66 Stat. 824. A new Office of the People's Counsel was established Jan. 2, 1975, 88 Stat. 1975, Pub. L. 93-614, § 1.

### **§ 34-805. PEOPLE'S COUNSEL--APPROPRIATIONS.**

There are authorized to be appropriated, to carry out the purposes of §§ 34- 804 and 34-912, such sums as may be necessary for fiscal year 1980 and for each fiscal year thereafter.

(Jan. 2, 1975, 88 Stat. 1977, Pub. L. 93-614, § 3; Oct. 20, 1979, D.C. Law 3-34, § 2, 26 DCR 1119.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-407.

1973 Ed., § 43-205a.

##### *Legislative History of Laws*

Law 3-34 was introduced in Council and assigned Bill No. 3-70, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on July 17, 1979 and July 31, 1979, respectively. Signed by the Mayor on August 31, 1979, it was assigned Act No. 3-100 and transmitted to both Houses of Congress for its review.

### **§ 34-806. EMPLOYEES; EXPENSES; EXPENDITURES.**

(a) The Commission shall have the power in each and every instance to employ and to prescribe the duties of such officers, clerks, stenographers, typewriters, inspectors, experts, and employees as it may deem necessary to carry out the provisions of this subtitle. The Commission is hereby authorized, within the appropriation made by Congress, to incur and pay incidental expenses for postage, printing, blanks, books, law books, books of reference, and periodicals, stationery, binding, rebinding, repairing and preservation of records, desks, office furniture and supplies, traveling expenses of the Commission, the commissioners, and every officer, agent, and employee thereof, and all other general expenses reasonably necessary to be incurred in carrying out the purposes of this subtitle. All payments and disbursements, as provided in this subtitle, shall be made by the Disbursing Officer of the District of Columbia upon proper vouchers, certified as required by the Commission; and the Commission is hereby also granted power and authority to designate and appoint during its pleasure such officers, clerks, inspectors, and employees of the District of Columbia and members of the Metropolitan Police force of the District of Columbia to perform any of the duties which the Commission may from time to time, respectively, assign to them, and to employ any assistance within the limits of the appropriations for its use made by act of Congress.

(a-1) Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within the Commission unless the applicant declines the preference. This 10- point preference shall be in addition to, and not instead of, qualifications established for the position. All persons hired after February 6, 2008, shall submit proof of residency upon employment in a manner determined by the Commission. An applicant claiming the hiring preference under this section shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of such residency annually to the director of personnel for the Commission for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment.

(b) The Commission is authorized to enter into contracts with the District government, the United States government, and other public and private entities for goods and services, as needed, to achieve its purposes in carrying out its statutory duties.

(Mar. 4, 1913, 37 Stat. 994, ch. 150, § 8, par. 95; Mar. 3, 1979, D.C. Law 2-139, § 3205(o), 25 DCR 5740; Apr. 20, 1999, D.C. Law 12-263, § 13(c)(2), 46 DCR 2111; Feb. 6, 2008, D.C. Law 17-108, § 212(b), 54 DCR 10993.)

#### *HISTORICAL AND STATUTORY NOTES*



*Prior Codifications*

1981 Ed., § 43-408.

1973 Ed., § 43-206.

*Effect of Amendments*

D.C. Law 17-108 added subsec. (a-1).

*Emergency Act Amendments*

For temporary amendment of section, see § 2 of the District of Columbia Public Service Commission Independent Procurement Authority Emergency Amendment Act of 1998 (D.C. Act 12-438, August 18, 1998, 45 DCR 6291), and § 3(2) of the Public Service Commission Independent Procurement Authority Emergency Amendment Act of 1999 (D.C. Act 13-52, April 6, 1999, 45 DCR 3638).

For temporary (90-day) amendment of section, see § 3(2) of the Public Service Commission Independent Procurement Authority Emergency Amendment Act of 1999 (D.C. Act 13-52, April 6, 1999, 46 DCR 3638).

*Legislative History of Laws*

For legislative history of D.C. Law 2-139, see Historical and Statutory Notes following § 34-801.

Law 12-263, the "Residential Real Property Seller Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998," was introduced in Council and assigned Bill No. 12-648, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on October 6, 1998, and November 10, 1998, respectively. Vetoed by the Mayor on December 29, 1998, Council overrode the veto on January 5, 1999 and the Bill was assigned Act No. 12-625 and transmitted to both Houses of Congress for its review. D.C. Law 12-263 became effective on April 20, 1999.

For Law 17-108, see notes following § 34-804.

*Miscellaneous Notes*

Disbursing Office abolished: The Disbursing Office, including the office of the head thereof, was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. Reorganization Order No. 3 of the Board of Commissioners, dated August 28, 1952, established under the direction and control of the Board of Commissioners a Department of General Administration headed by a Director. The Order transferred to the Director of General Administration all of the functions of the abolished Office. Reorganization Order No. 20 established the Finance Office in the Department of General Administration. Included in the Finance Office were an Office of the Assessor, the Office of the Collector of Taxes, the Disbursing Office, and the Accounting Office headed by an Accounting Officer. The function of approving vouchers was delegated to the Accounting Officer by that Order. Reorganization Order No. 20 was replaced by Organization Order No. 121. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Reorganization Order No. 3 and Organization Order No. 121 were revoked by Organization Order No. 3 of the Commissioner of the District of Columbia, dated December 13, 1967. Organization Order No. 3 established within the newly created Department of General Administration, a Finance Office and prescribed the functions thereof. These functions were subsequently transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96, dated March 7, 1969. Functions pertaining to centralized accounting (including approving vouchers) as set forth in that Order were transferred to the Director of the Office of Budget and Financial Management by Organization Order No. 30, dated April 5, 1972. The Office of Budget and Financial Management was replaced by Organization Order No. 50, dated December 31, 1974, which Order established the Office of Budget and Management Systems. The Office of Budget and Management Systems was replaced by Mayor's Order No. 79-5, dated January 2, 1979, which Order established the Office of Budget and Resources Development.

**§ 34-807. AUTHORITY OF INTERSTATE COMMERCE COMMISSION  
WITHDRAWN; RULES AND REGULATIONS TO REMAIN IN FORCE; JOINT  
ACTION IN REGULATION OF PUBLIC-SERVICE COMPANY.**

(a) The authority vested by law in the Interstate Commerce Commission by virtue and under the Act of Congress, approved May 23, 1908, entitled "An Act authorizing certain extensions to be made in the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia and for other purposes" shall no longer be exercised by the Interstate Commerce Commission; provided, that the orders, rules, and regulations made by the Interstate Commerce Commission shall continue to be in force until changed, repealed, altered, or amended by the Commission created by this subtitle, which said Commission is hereby given power and jurisdiction to issue and, at its pleasure, to revoke all permits, or licenses, to carry this subtitle into effect, and its rules and regulations shall be valid

and binding on all public-service corporations and on all persons.

(b) The Commission may act jointly or concurrently with any official board or commission of the United States or any state thereof in any proceeding relating to the regulation of any public utility. Any such action may be under an interstate compact or agreement, or under the concurrent power of the States to regulate interstate commerce, or as an agency of the federal government, or otherwise.

(Mar. 4, 1913, 37 Stat. 995, ch. 150, § 8, par. 96; Aug. 11, 1971, 85 Stat. 320, Pub. L. 92-94, § 1(c); May 9, 2000, D.C. Law 13-107, § 201(e), 47 DCR 1091.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-409.

1973 Ed., § 43-207.

##### *Effect of Amendments*

D.C. Law 13-107 substituted in subsec. (b) "public utility" for "public service company".

##### *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.

##### *References in Text*

The Capital Transit Company succeeded to the powers and obligations of the Capital Traction Company and of the Washington Railway and Electric Company, referred to in subsection (a) of this section, pursuant to the Act of January 14, 1933, 47 Stat. 752.

## **§ 34-8o8. ORDERS FOR REPAIRS; IMPROVEMENT IN EQUIPMENT, SERVICE.**

Whenever the Commission shall be of opinion, after hearing had upon its own motion or upon complaint, that repairs, improvements, or changes in any street railroad, gas plant, electric plant, telephone line, telegraph line, pipeline, waterpower plant, or the facilities of any common carrier ought reasonably to be made, or that any addition of service or equipment ought reasonably to be made thereto, or that the vehicles or cars of any street railroad or common carrier are unclean, insanitary, uncomfortable, inconvenient, or improperly equipped, operated, or maintained, or are in need of paint, or unsightly in appearance, or that any addition ought reasonably to be made thereto, in order to promote the comfort or convenience of the public or employees, or in order to secure adequate service or facilities, the Commission shall have power to make and serve an order directing that such repairs, improvements, changes, or additions to service or equipment be made within a reasonable time and in a manner to be specified therein, and every such public utility is hereby required and directed to obey every such order of the Commission.

(Mar. 4, 1913, 37 Stat. 995, ch. 150, § 8, par. 96.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-410.

1973 Ed., § 43-208.

## **§ 34-8o8.01. COMPETITIVE ENERGY SUPPLIER CONSUMER AWARENESS PROGRAM.**

(a) The Office of the People's Counsel shall establish a program to increase the awareness of District residents of the availability of services offered by competitive energy providers and the means by which to procure such services.

(b) The Public Service Commission shall establish a program to increase the awareness of District residents of the availability of services offered by competitive energy providers and the means by which to procure such services.

(Mar. 4, 1913, 37 Stat. 995, ch. 150, § 8, par. 97A, as added Aug. 16, 2008, D.C. Law 17-219, § 2026, 55

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

Law 17-219, the "Fiscal Year 2009 Budget Support Act of 2008", was introduced in Council and assigned Bill No. 17-678, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 13, 2008, and June 3, 2008, respectively. Signed by the Mayor on June 26, 2008, it was assigned Act No. 17-419 and transmitted to both Houses of Congress for its review. D.C. Law 17-219 became effective on August 16, 2008.

*Miscellaneous Notes*

Short title: Section 2025 of D.C. Law 17-219 provided that subtitle K of title II of the act may be cited as the "Competitive Energy Supplier Consumer Awareness Amendment Act of 2008".

## **§ 34-808.02. SUPERVISION AND REGULATION CONSIDERATIONS.**

In supervising and regulating utility or energy companies, the Commission shall consider the public safety, the economy of the District, the conservation of natural resources, and the preservation of environmental quality.

(Mar. 4, 1913, ch. 50, § 8, par. 96A, as added Oct. 22, 2008, D.C. Law 17-250, § 401, 55 DCR 9225; renumbered par. 97B, Sept. 26, 2012, D.C. Law 19-171, § 45(a), 59 DCR 6190.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 19-171, in Act Mar. 4, 1913, ch. 50 § 8, renumbered par. 96A as par. 97B.

*Emergency Act Amendments*

For temporary (90 day) addition, see § 401 of Clean and Affordable Energy Emergency Act of 2008 (D.C. Act 17-508, September 25, 2008, 55 DCR 10856).

*Legislative History of Laws*

For Law 17-250, see notes following § 34-804.

Law 19-171, the "Technical Amendments Act of 2012", was introduced in Council and assigned Bill No. 19-397, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 20, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to both Houses of Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

## **§ 34-809. AUTHORITY OF MAYOR NOT AFFECTED; ORDINANCES OF COMMISSIONERS NOT AFFECTED UNLESS MODIFIED BY COMMISSION.**

All the duties, powers, and authority of the Mayor of the District of Columbia shall continue and remain in full force and effect notwithstanding this subtitle; and all powers, authority and duties of the municipality known as the District of Columbia and all rights vested in said municipality shall continue and remain in full force and effect notwithstanding this subtitle. All the lawful ordinances and regulations made by the Commissioners of the District of Columbia as such, and all other lawful municipal ordinances and regulations, shall continue and remain in full force and effect, and may be altered, changed, or amended, and new ordinances and regulations may be made by the Mayor of the District of Columbia, acting as such, hereafter, notwithstanding this subtitle; provided, that when any order of the Commission created by this subtitle shall be made which shall be inconsistent and repugnant to any municipal ordinance or regulation, or any ordinance or regulation made or to be made by the Mayor of the District of Columbia, acting as such, then and in such event the order of the Commission created by this subtitle shall be given full force and effect, notwithstanding such municipal ordinance or regulation.

(Mar. 4, 1913, 37 Stat. 996, ch. 150, § 8, par. 99.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-411.

1973 Ed., § 43-209.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.