

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 8.
ENVIRONMENTAL AND ANIMAL CONTROL
AND PROTECTION.

CHAPTER 1B.
DISTRICT OF COLUMBIA OFFICE OF ENERGY.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 1B. DISTRICT OF COLUMBIA OFFICE OF
ENERGY.

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CHAPTER 1B. DISTRICT OF COLUMBIA

OFFICE OF ENERGY.

§ 8-171.01. LEGISLATIVE FINDINGS; PURPOSES.

(a) The Council of the District of Columbia finds that:

- (1) An adequate, reliable, and continuous supply of energy is essential to the health, safety, and welfare of the citizens of the District of Columbia and to sustain the growth of the District's economy;
- (2) The District of Columbia is seriously threatened and adversely affected by the increasing shortages and the escalating prices of nonrenewable energy resources;
- (3) Growth in the consumption of energy resources is due in part to wasteful and inefficient uses of energy, and the continuation of this trend will adversely affect the social, economic, and environmental development of the District of Columbia;
- (4) It is the responsibility of the District of Columbia government to encourage and foster a reliable and adequate supply of energy resources for the District at a level consistent with the protection of public health and safety, the promotion of the general welfare and economic well-being, and the promotion of environmental quality;
- (5) The District of Columbia must provide for the development of a unified energy policy:
 - (A) To minimize duplication and overlapping responsibilities for energy-related matters among various District departments, commissions, and agencies; and
 - (B) To ensure a reliable and adequate supply of energy resources for the District's citizens and economy; and
- (6) The establishment of the District of Columbia Office of Energy is in the public interest and will promote the general welfare of the public by assuring coordinated and efficient management of the District's energy policy and programs.

(b) The purposes of this chapter are as follows:

- (1) To establish the District of Columbia Office of Energy;
- (2) To provide for the development of a comprehensive energy plan, policy, and programs for the District of Columbia;
- (3) To achieve effective management of energy functions of the District government through the District of Columbia Office of Energy in cooperation with the Public Service Commission of the District of Columbia, the People's Counsel of the District of Columbia, and all other appropriate District agencies and departments;
- (4) To provide for the development of an emergency energy shortage contingency plan to ensure the health, safety, and welfare of District of Columbia citizens and industry during any public emergency, caused by an actual or impending acute shortage of usable energy resources; and
- (5) To encourage and ensure full and effective public participation in formulation and implementation of a District of Columbia energy policy.

(Mar. 4, 1981, D.C. Law 3-132, § 2, 28 DCR 445.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed. § 2-901.

1981 Ed., § 1-1901.

Legislative History of Laws

Law 3-132 was introduced in Council and assigned Bill No. 3-192. The Bill was adopted on first and second

readings on November 25, 1980 and December 9, 1980, respectively. Signed by the Mayor on January 7, 1981, it was assigned Act No. 3-341 and transmitted to both Houses of Congress for its review.

§ 8-171.02. DEFINITIONS.

As used in this chapter:

- (1) The term "agency" means and includes any executive department, or other establishment in the executive branch of the District of Columbia government or any independent regulatory agency as defined in § 2-502(3).
- (2) The term "appliance" means any energy consuming article or device designed for household use or small business use, the primary purpose of which is labor saving or personal convenience, and which, although connected to public utilities servicing a building, is not attached to the building in such a way that it would be considered a part of the building or building system. Central heat pumps, central air conditioners, and central heating units are not appliances for the purposes of this chapter.
- (3) The term "building" means any structure which includes provisions for a heating, ventilating, or cooling system, or for a hot water system.
- (4) The term "building code" means property standards in the Building Code approved pursuant to the Construction Codes Approval and Amendments Act of 1986.
- (5) The term "car pool" means a joint arrangement by a group of private persons in which each in turn drives a privately-owned car and carries other passengers.
- (6) The term "construction" means on-site work to install permanent equipment or structure for any facility.
- (7) The term "Council" means the Council of the District of Columbia.
- (8) The term "Director" means the Director of the District of Columbia Office of Energy.
- (9) The term "District" means the District of Columbia.
- (10) The term "District-assisted facility" means any building, the construction, capital, or operating costs of which are financed in whole or in part by the District's general or special fund appropriations, or disbursements, or by federal funds.
- (11) The term "energy" means work that is, or may be, produced from any fuel or source whatsoever.
- (12) The term "energy audit" means a process which identifies and specifies the energy and cost savings which are likely to be realized through the purchase and installation of an energy conservation measure or renewable energy resources measure, through improved energy management procedures.
- (13) The term "energy auditor" means any person who has:
 - (A) A valid mechanical, electrical, engineering, or architectural license;
 - (B) Successfully completed an approved District of Columbia energy audit training course for those persons familiar with heating, ventilating, and air conditioning systems; or
 - (C) Otherwise qualified by virtue of training or experience.
- (14) The term "energy conservation" means the efficient use of energy resources.
- (15) The term "energy conservation measure" means a modification which has been determined by means of an energy audit or by a rule of the District of Columbia Office of Energy to likely improve the efficiency of energy use.
- (16) The term "energy distributor" means any person who imports energy resources into the District of Columbia for use, distribution, storage, or sale; and any person who produces, refines, manufactures, blends, or compounds energy resources, and sells, uses, stores, or distributes the same within the District: Provided, however, that in no case shall a retail dealer be construed to be a distributor.
- (17) The term "energy efficiency guidelines" means, with respect to particular buildings, industrial plants, appliances, or energy resource consuming articles, the measures, or minimum accepted levels of energy conservation which the District of Columbia Office of Energy determines to be appropriate for the location and category of such or similar buildings, industrial plants, appliances, energy resources, or energy consuming articles.
- (18) The term "energy information" includes:
 - (A) All information in whatever form of:
 - (i) Fuel reserves, exploration, extraction, and energy resources (including petrochemical feedstocks) wherever located;
 - (ii) Production, distribution, and consumption of energy and fuels wherever carried on; and

(B) Matters relating to energy and fuels, such as corporate structure and proprietary relationships, costs, prices, capital investment, assets, and other matters directly related thereto, wherever they exist.

(19) The term "energy resources" means any force or material which yields, or has the potential to yield energy, including, but not limited to, electricity, petroleum products, residual fuel oil, distillate fuel oil, natural gas, methane, liquified natural gas, manufactured or synthetic fuel gases, coal, solid wastes, biomass, wood, solar radiation, geothermal or mineral formations, thermal gradients, wind, water, enriched uranium U235 and U238, plutonium U239, or other nuclear fuels.

(20) The term "environmental residual" means any pollutant or pollution-causing factor which results from any activity.

(21) The term "life-cycle cost" means the total costs of owning, operating, and maintaining a building, industrial plant, appliance, or energy consuming article over its economic life, including its fuel and energy costs, determined on the basis of a systematic evaluation and comparison of alternative costs for such buildings, industrial plants, appliances or energy consuming articles.

(22) The term "life-cycle cost analysis" means the estimation and comparison of the life-cycle costs of buildings, industrial plants, appliances, or energy consuming articles so as to increase the efficient use of a particular building, industrial plant, appliance, or energy consuming article.

(23) The term "Mayor" means the Mayor of the District of Columbia.

(24) The term "nonresidential building" means any building which is not a residential building which, including, but is not limited to, multi-purpose buildings, such as school learning centers, office/retail buildings, hospitals, sports arenas, retail stores, and transportation terminals.

(25) The term "Office" means the District of Columbia Office of Energy established by this chapter.

(26) The term "performance standards" means rules and regulations adopted by the Office which establish minimum acceptable levels of site design, site preparation, exterior and interior appurtenances which apply to buildings or industrial plants, or which establish minimum acceptable levels of life-cycle cost and life-cycle cost analysis, which apply to purchasing and procurement practices.

(27) The term "person" means any individual, public or private corporation, partnership, firm, association, organization, trustee or other fiduciary, company, board, bureau, commission, department, authority, agency, committee, council, legislative committee, public agency, public utility, the District or any agency or instrumentality thereof, and the United States to the extent authorized by federal law or other legal entity.

(28) The term "renewable energy source" means energy resources which are capable of being continuously restored by natural or other means, or which are so large as to be useable for centuries without significant depletion, and include, but are not limited to, solar radiation, solid wastes, biomass, wind, geothermal formations, tidal and other water resources, thermal gradients, deuterium, and hydrogen.

(29) The term "renewable energy resource measure" means a modification which has been determined by means of an energy audit or a rule of the District of Columbia Office of Energy to involve changing, in whole or in part, the energy resources used to meet the requirements of any building or industrial plant from a nonrenewable energy resource to a renewable energy source.

(30) The term "residential" means any building which is exclusively residential or residential mixed-purpose buildings, including, but not limited to, residential, retail, office, or recreational.

(31) The term "retail dealer" means any person who engages in the business of selling energy resources from a delivery vehicle or from a fixed location, such as a service station, filling station, store, or garage, directly to the ultimate users of said energy resources.

(Mar. 4, 1981, D.C. Law 3-132, § 3, 28 DCR 445; Mar. 21, 1987, D.C. Law 6-216, § 13(b), 32 DCR 1072.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 2-902.

1981 Ed., § 1-1902.

Legislative History of Laws

For legislative history of D.C. Law 3-132, see Historical and Statutory Notes following § 2-901.

Law 6-216 was introduced in Council and assigned Bill No. 6-500, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 18, 1986 and December 16, 1986, respectively. Signed by the Mayor on February 2, 1987, it was assigned Act No. 6-279 and transmitted to both Houses of Congress for its review.

The "Construction Codes Approval and Amendments Act of 1986," referred to in paragraph (4), is D.C. Law 6-216.

§ 8-171.03. ENERGY POLICY OF DISTRICT.

The energy policy of the District of Columbia shall be the following:

- (1) To ensure, to the maximum extent practicable, an adequate, economically affordable, and reliable supply of energy for all citizens, businesses, and industries in the District;
- (2) To foster prudent research, development, and use, within the District, of a diverse array of energy resources, with emphasis on renewable energy resources;
- (3) To employ energy conservation techniques, including performance standards, and energy audits, in the design, construction, and renovation of District-owned and assisted facilities, and in the procurement of District materials and supplies for the District government;
- (4) To promote energy conservation in the construction and operation of residential and nonresidential buildings through energy efficient guidelines, energy audits, and through proven techniques for heating, lighting, cooling, ventilating, insulating, and building design and operation;
- (5) To cooperate and assist departments and other agencies or instrumentalities of federal, state, and local government, in the development, implementation, and coordination of energy policies and programs;
- (6) To encourage energy efficient modes of transportation for people and goods, including, but not limited to, public transportation, park-and-ride lots, van pools and car pools, electric and hybrid vehicles; and other energy efficient forms of transportation, variable work schedules, preferential traffic controls, and urban area traffic restrictions;
- (7) To assist District citizens and industry, during emergency energy shortages, in managing scarce energy resources in order to maintain the public health, safety, and welfare, and to minimize the adverse impact on the physical, social, and economic well-being of the District of Columbia;
- (8) To assist and advise industries, businesses and public utilities of the District in the application of energy conservation and supply enforcement measures in industrial and commercial apparatus and processes, and to promote the availability of reliable and abundant energy resources for the use of industrial, commercial, and public utility energy users in the District;
- (9) To promote community development and job creation by encouraging establishment of District-based conservation and renewable energy businesses and cooperatives;
- (10) To promote and secure the location within the District of Columbia of projects, programs, installations, grants, loans, funds, and other public or private capital investments for the research, development, innovation, and demonstration of uses, processes, apparatuses, and other applications of energy technologies utilizing renewable energy resources;
- (11) To assure that the District's energy policies and plans developed under this chapter shall be, to the maximum extent practicable, consistent with the statutory environmental policies of the District;
- (12) To protect energy consumers and users from unfair, deceptive, and anti-competitive acts and practices employed in the marketing, advertising, and selling of energy conserving goods and services;
- (13) To utilize public funds as a means of ensuring equity in the way energy costs are allocated, including, but not limited to, programs which will aid low- and moderate-income citizens in developing energy efficient housing, in gaining access to renewable sources of energy and in meeting the costs of high utility bills;
- (14) To assist small businesses in developing energy efficient management techniques, and assist with energy conservation efforts as well as other related activities which will alleviate the burden of escalating costs;
- (15) To provide a source of impartial and objective information in order that this energy policy may be achieved; and
- (16) To encourage and ensure full and effective public participation in the formulation and implementation of a District energy policy.

(Mar. 4, 1981, D.C. Law 3-132, § 4, 28 DCR 445.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 2-903.

For legislative history of D.C. Law 3-132, see Historical and Statutory Notes following § 2-901.

§ 8-171.04. DISTRICT OF COLUMBIA OFFICE OF ENERGY; ENERGY CONSERVATION PLAN; FACILITIES ENERGY MANAGEMENT PLAN; EMERGENCY ENERGY SHORTAGE CONTINGENCY PLAN; ENERGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) Establishment of the District of Columbia Office of Energy.

(1) The District of Columbia Office of Energy is established in the executive branch of the government of the District of Columbia, and shall have the powers, duties, and functions vested in it by the provisions of this chapter.

(2) All of the powers, duties, and functions assigned to the District of Columbia Energy Unit of the Executive Office of the Mayor shall be transferred to the District of Columbia Office of Energy. All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available relating to the powers, duties, and functions so transferred, are transferred to the District of Columbia Office of Energy as created by this chapter.

(b) Appointment of the Director of the District of Columbia Office of Energy.

The administrator and head of the Office shall be the Director of the District of Columbia Office of Energy, who shall be a person qualified by training and experience to perform the duties of the Office. The Director shall be a resident of the District of Columbia and shall be appointed by the Mayor, and confirmed by the Council of the District of Columbia.

(c) Powers, duties, and functions of the Director.

The Director shall:

(1) Supervise, direct, and account for the administration and operation of the Office, its units, functions, and employees; and

(2) Coordinate and facilitate the overall effort of the District of Columbia government to achieve energy conservation and renewable resource utilization by devising pertinent policies, plans, and programs.

(d) Powers, duties, and functions of the Office.

The District of Columbia Office of Energy is authorized to:

(1) Advise the Mayor on current or impending energy related problems and to serve as the lead agency to develop and implement the District's response to such problems;

(2) Act as central repository and clearinghouse for the collection and public inspection of data and information with respect to energy resources and energy matters in the District, including, but not limited to: (A) Data on energy supply, demand, costs, projections, and forecasts; and (B) inventory data on energy research and development projects, studies, or other programs conducted in the District under public and private supervision or sponsorship of both and the results thereof. The Office shall develop an energy information reporting system for use by all government agencies and by the general public;

(3) Develop and recommend to the Mayor a comprehensive long-range District energy plan to achieve maximum effective management and use of present and future sources of energy, including, but not limited to, an energy conservation plan, a District facilities energy management plan, an annual energy supply and demand forecast, an emergency energy shortage contingency plan, and an energy research and development program;

(4) Plan, oversee, and coordinate the various programs mandated by the federal energy conservation acts: The 1975 Energy Policy and Conservation Act (42 U.S.C. § 6201), the 1976 Energy Conservation and Production Act (42 U.S.C. § 6801), the National Energy Conservation Policy Act of 1978 (42 U.S.C. § 8201), and any subsequent federal energy conservation and related legislation; and identify additional federal or other grant opportunities for District of Columbia energy programs, and coordinate the preparation and submission of energy grant applications for other departments, offices, and agencies: Provided, however, that no provisions of this chapter shall be construed to limit the authority of any independent commission, office, board, or agency of the District of Columbia to apply for and receive federal and private grants;

(5) Develop and implement a District of Columbia fuel allocation program in a manner consistent with District energy policies;

(6) Act as the lead agency to represent the District before the federal government, other state and local governments, regional governments, and other appropriate public and private agencies in all energy

and energy resource matters;

(7) Promote the development of energy-related businesses and employment in the District of Columbia, with special emphasis on renewable resource technologies and markets;

(8) Promote the application of energy conservation and renewable resource principles and policies in land use planning, zoning, building regulations, capital improvements, and lease agreements for government offices or other space needs;

(9) Coordinate the development and implementation of energy assistance policies and programs for low-income, fixed-income, and elderly households;

(10) Require, in order to assure the adequate development of relevant energy information as provided in paragraph (2) of this subsection, that all energy distributors and major energy consumers file such reports, data, and forecasts as the Office may require.

(A) In obtaining information under this paragraph, the Office:

(i) Shall, to the maximum extent feasible, provide that reports, data, and forecasts be consistent with material required by the District of Columbia and federal agencies in order to prevent unnecessary duplication; and

(ii) May, with the written consent of the Mayor, subpoena witnesses, material, and relevant books, papers, accounts, records, and memoranda; administer oaths; and cause the deposition of persons residing within or without the District to be taken in the manner prescribed for depositions in civil actions in the Superior Court of the District of Columbia; and

(B) Information furnished under this paragraph shall be confidential and maintained as such, if so requested by the person providing the information, if the information is proprietary in nature. Nothing in this subsection shall prohibit the use of confidential information to prepare statistics or other general data for publication when so presented as to prevent identification of particular persons or sources; nor shall the confidentiality requirement of this subsection apply to information furnished by, or relating to, governmental agencies, or to public utilities, or to carriers regulated by the Public Service Commission or by the Washington Metropolitan Area Transit Commission, or by any of the federal regulatory agencies; Provided, that utility customer account information shall remain confidential unless such confidentiality is expressly waived by the individual customer whose account is affected;

(11) Provide for the training and certification of energy auditors, and provide for such energy audits as may be deemed necessary and desirable to carry out the purposes, programs, and policies of this chapter or any other energy-related law applicable to the District; to the maximum extent feasible, the energy audit program should be carried out as a decentralized, neighborhood-based effort;

(12) Require the annual submission of energy audit reports and conservation plans by departments, offices, boards, bureaus, commissions, authorities, and other agencies or instrumentalities of the District, and in cooperation with the Department of General Services, evaluate the plans and the progress of the agencies and instrumentalities in meeting the goals of the plans, and advise the agencies and instrumentalities of improvements or changes to be made in their plans, programs, and goals;

(13) Conduct hearings and investigations in order to carry out the purposes, programs, and policies of this chapter, and to issue subpoenas in furtherance of such authority;

(14) Assist the Corporation Counsel and Office of Consumer Protection in safeguarding consumers from unfair, deceptive, and anticompetitive acts and practices in the marketing, selling, or distributing of energy, energy resources, energy technologies, and energy conserving goods or services;

(15) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and, through formal intervention before the District of Columbia Public Service Commission, recommend changes in energy pricing policies and rate schedules;

(16) Appoint, with the written consent of the Mayor, such advisory committees, boards, and task forces as are necessary and desirable to carry out the purposes and policies of this chapter; and

(17) Promulgate regulations pursuant to the District of Columbia Administrative Procedure Act (§ 2-501 et seq.), to conduct public hearings, and to fulfill all duties and responsibilities of the Office granted pursuant to this chapter.

(e) Components of energy conservation plan.

(1) The Office shall prepare and recommend, as part of a comprehensive energy plan for the District, an energy conservation plan for transmittal to the Mayor; the initial plan to be completed 180 days after monies have been appropriated to fund the District of Columbia Office of Energy.

(2) The energy conservation plan shall be designed to ensure the public health, safety, and welfare of the citizens and economy of the District of Columbia and to encourage and promote conservation of energy through reducing wasteful, uneconomical, or inefficient uses.

(3) The energy conservation plan may include, but not be limited to, the following:

(A) Recommendations for District energy conservation goals, consisting of a percentage change in projected energy consumption in the District for the years 1981, 1985, and 1990; which goals are economically feasible and are achievable by implementation of the energy conservation plan; and specific plans of action to achieve these goals;

(B) Recommendations for a continuing program of public education, to increase public awareness of the energy and cost savings likely to result from energy conservation; and to provide public information and technical assistance in the planning, financing, installing, and monitoring of energy conservation measures;

(C) Recommendations to the District of Columbia Department of Transportation of programs and policies to encourage energy efficient modes of transportation for people and goods, including, but not limited to, public transportation, park-and-ride lots, van pools and car pools, electric and hybrid vehicles, and other energy efficient forms of transportation, variable working schedules, preferential traffic controls, and urban area traffic restrictions;

(D) Recommendations of energy conservation measures and renewable energy resource measures which:

(i) Can be carried out in residential and nonresidential buildings;

(ii) Increase the efficient use of energy; and

(iii) Are economically feasible to implement, based on climatic, environmental, demographic, architectural, and economic conditions within the District; and recommend programs and policies to encourage, promote, and finance such measures; and

(E) Any other recommendations which the Office considers to be a significant part of a District-wide energy conservation effort and goal, and which include provisions for sufficient incentives to further energy conservation.

(4) The energy conservation plan may include a detailed description of the following:

(A) The estimated energy savings;

(B) The estimated effects on public budgets and revenues;

(C) The estimated impact on District economy;

(D) The estimated increase or decrease in environmental residuals as a result of implementing the plan; and

(E) The estimated impact of existing energy plans on District economy.

(5) The energy conservation plan shall contain proposals for implementing the recommendations made pursuant to paragraph (3) of this subsection as can be carried out by order of the Mayor.

(6) The Office shall hold such public hearings on the energy conservation plan as it deems necessary and desirable. Upon completion of the energy conservation plan and public hearings on such plan, the Office shall transmit the plan to the Mayor for approval or disapproval. Upon approval of the plan, the Mayor shall assign administrative responsibility to appropriate agencies of the District government for implementation of the plan as may be carried out by order of the Mayor.

(7) The Mayor shall transmit the approved energy conservation plan to the Council of the District of Columbia and make copies available for public inspection.

(8) At least once every 3 years, or whenever such changes take place as would significantly affect energy supply or demand in the District, the Office shall review and, if necessary, revise the energy conservation plan, transmitting the revised plan to the Mayor. The public hearing procedures contained in paragraph (6) of this subsection shall not apply to any review of revisions of the energy conservation plan which take place within 3 years of any public hearings held on the plan or a revised plan.

(f) *Components of the District facilities energy management plan.*

(1) The Office shall coordinate the preparation of, and recommend as part of the comprehensive energy plan for the District, a facilities energy management plan for transmittal to the Mayor, the initial plan to be completed 180 days after monies have been appropriated to fund the District of Columbia Office of Energy.

(2) The District facilities energy management plan shall be designed to ensure that energy conservation methods and life-cycle cost analysis are employed in the design, acquisition, lease, construction, renovation, and maintenance of all new and existing District-assisted facilities, and in the procurement and purchase of all District materials, supplies, and vehicles.

(3) The District facilities energy management plan may include, but not be limited to, the following:

(A) Development, promulgation, and maintenance of a life-cycle cost analysis method to be applied and enforced by the Department of General Services in reviewing the design, construction,

renovation, and maintenance of District-owned facilities, and in the procurement of District materials, supplies, and vehicles. The Department of General Services shall also have the authority to review the design, construction, renovation, and maintenance of District-assisted facilities only for the purposes of advising the management of such facilities with respect to application of the life-cycle cost analysis methods developed under this paragraph;

(B) A program of energy audits of District-owned and District-assisted facilities, which audits shall, to the extent practicable, be developed and maintained by periodic revision in cooperation with designated representatives of said facilities;

(C) Development, maintenance, and distribution to District-owned and District-assisted facilities of guidelines, recommendations, and technical assistance for energy conservation measures and renewable energy resource measures to be employed, installed, and monitored in the facilities and in the procurement and purchase of materials, supplies, and vehicles by the District government; and

(D) A detailed description of the estimated energy savings, effect on public budgets and revenues, impact on the District economy, and increase or decrease in environmental residuals of implementing the District facilities energy management plan.

(4) The District facilities energy management plan may contain proposals for the implementation of such recommendations as may be carried out by order of the Mayor.

(5) Upon completion of the draft plan, the Office and the Mayor shall follow the procedures as outlined in subsection (e) of this section, and § 8- 171.05: Except, that no public hearings on the plan shall be required.

(6) The Office shall update the District facilities energy management plan upon a finding by the Office that an update is justified.

(g) Emergency energy shortage contingency plan.

(1) The Office in cooperation and consultation with the Public Service Commission, Office of People's Counsel, and the Homeland Security and Emergency Management Agency and other appropriate District agencies shall, as part of the comprehensive energy plan for the District, prepare a recommended emergency energy shortage contingency plan for transmittal to the Mayor, the initial plan to be completed 180 days after monies have been appropriated to fund the District of Columbia Office of Energy.

(2) The emergency energy shortage contingency plan shall be designed to protect the public health, safety, and welfare, minimize the adverse impact on the physical, social, and economic well-being of the District, and provide for the fair and equitable allocation of scarce energy resources, during emergency energy shortages.

(3) In preparing the plan, the Office shall collect and compile from all relevant governmental agencies, including the Public Service Commission, the Homeland Security and Emergency Management Agency, and the United States Department of Energy, any existing contingency and energy allocation or curtailment plans for dealing with emergency energy shortages, or information related thereto.

(4) The Office may hold 1 or more public hearings, investigate and review the plans submitted pursuant to this subsection, and shall approve and recommend to the Mayor the emergency energy shortage contingency plan to be implemented upon adoption by the Council and signed by the Mayor. The plan may be based upon the plans collected and compiled by the Office, and upon the information provided at the hearing(s); provided, however, that the plan is consistent with such federal programs and regulations that are already in effect at that time.

(5) The emergency energy shortage contingency plan may include, but not be limited to:

(A) Recommendations for differentiated curtailment during an emergency energy shortage of energy consumption by energy users on the basis or ability by users and energy distributors to accommodate such curtailments;

(B) A variety of strategies and staged conservation measures of increasing intensity and authority to reduce energy use during a state of emergency declared pursuant to § 1-204.12(a), by reason of an emergency energy shortage, and guidelines and criteria for allocation of energy resources to priority users during such an emergency. The plan shall contain alternative conservation actions and allocation plans to reasonably meet various foreseeable shortage circumstances and to allow a choice of appropriate responses;

(C) Evidence that the plan is consistent with the requirements for emergency energy conservation and allocation laws and regulations of the federal government and the District of Columbia Public Service Commission, and with procedures for implementing the District's responsibility as mandated by any federal programs, laws, orders, rules, or regulations relating to the allocation, conservation, or consumption of energy resources, and all orders, rules, and regulations thereto;

(D) A scheduled program of such investigations and studies by the Office as are necessary to determine if and when emergency energy shortages are likely to affect the District;

(E) Recommendations for administrative and legislative action required to avert emergency energy shortages; and

(F) Recommendations for procedures for fair and equitable review of complaints and requests for special exemptions from emergency conservation measures or emergency allocations.

(6) Upon completion of the draft recommended plan, the Office and the Mayor shall follow the procedures as outlined in subsection (e) of this section, and § 8-171.05: Except, that no public hearings on the plan shall be required other than pursuant to subsection (g)(4) of this section.

(7) The Office may update the emergency energy shortage contingency plan at least every 3 years or whenever such changes are deemed necessary.

(h) Coordination of energy research and development program.

The Office, in cooperation and consultation with the institutions of higher education in the District, the United States Department of Energy, and other interested and qualified sources of expertise, may, as part of a comprehensive energy plan, develop and carry out an energy research and development program designed to encourage implementation of the District policies contained in § 8-171.03.

(i) Annual report.

The Director shall make an annual report of the Office's operations to the Mayor and to the Council. Such report may include, but not be limited to:

(1) An overview of city-wide growth and development as they relate to further requirements for energy in the District, including patterns of community development and change, shifts in transportation modes, modifications in building types and designs, and other trends and factors which, as determined by the Office, will significantly affect District energy needs;

(2) A forecast of city-wide end-use sector energy demand and city-wide energy resource supply available for the coming year;

(3) An assessment of growth trends in energy consumption and production and an identification of potential adverse social, economic, or environmental impacts which might be imposed by current trends;

(4) Estimates of energy savings, effect on public budgets and revenues, impact on the District economy, and increase, or decrease, in environmental residuals in the District of plans, programs, and policies of this chapter and federal plans, programs, and policies implemented in the coming year;

(5) Inventory and evaluation of energy research and development programs carried out in the past year or scheduled to be carried out in the coming year;

(6) Recommendations to the Mayor and to the Council for administrative and legislative actions on energy matters; and

(7) A summary review of the Office's activities during the year.

(j) Action by District agencies and instrumentalities.

(1) Within 3 months of the date that monies are appropriated for the Office of Energy, all District agencies and instrumentalities shall do the following:

(A) Review their present statutory authority, administrative rules and regulations, and practices and procedures to determine whether such are consistent with the purposes and policies of this chapter;

(B) Effect or recommend such changes as may be necessary to comply with the purposes and policies of this chapter;

(C) Designate 1 officer or employee from each agency or instrumentality to serve as the official responsible for energy matters within the respective agency or instrumentality; and

(D) Submit a written report to the Office of its findings and actions pursuant to this paragraph.

(2) The Office shall prepare and distribute at the earliest feasible date after March 4, 1981, an index of functions and responsibilities of District agencies and instrumentalities, relating to energy and energy resources, in sufficient detail to guide the public and serve as a basis for further steps as may be necessary to assure full coordination without duplication of the energy-related activities of the agencies and instrumentalities. No later than 180 days after completion of the index, the Office shall recommend to the Mayor and to the Council, such action as may be necessary to preclude any identified or potential duplication of energy and energy resource related functions and responsibilities of District agencies and instrumentalities.

(k) Budget and financing.

(1) The Director shall prepare a proposed budget for the operation of the Office to be submitted for the consideration of the Mayor and the Council.

(2) The Office shall be operated within the limitation of the appropriations and grants or other funds for which it qualifies, in accordance with approved programs.

(Mar. 4, 1981, D.C. Law 3-132, § 5, 28 DCR 445; Apr. 12, 2000, D.C. Law 13-91, § 125, 47 DCR 520; Mar. 14, 2007, D.C. Law 16-262, § 402, 54 DCR 794.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 2-904.

1981 Ed., § 1-1904.

Effect of Amendments

D.C. Law 13-91, in pars. (f)(5) and (g)(6), substituted "§ 1-1905 [§ 2-905, 2001 Ed.]" for "§§ 1-1905 and 1-1906 [1981 Ed.]" and in par. (g)(6), substituted "subsection (g)(4) of this section" for "subsection (h)(4) of this section".

D.C. Law 16-262, in subsec. (g), pars. (1) and (3), substituted "Homeland Security and Emergency Management Agency" for "Office of Emergency Preparedness".

Legislative History of Laws

For legislative history of D.C. Law 3-132, see Historical and Statutory Notes following § 2-901.

Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

Law 16-262, the "Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-242, which was referred to Committee on Judiciary. The Bill was adopted on first and second readings on December 5, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-618 and transmitted to both Houses of Congress for its review. D.C. Law 16-262 became effective on March 14, 2007.

Transfer of Functions

The functions of the Department of General Services were transferred, in part, to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984, and transferred, in part, to the Department of Administrative Services by Reorganization Plan No. 5 of 1983, effective March 1, 1984.

The functions of the Department of Transportation were transferred to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984.

The Weatherization Assistance Program in the Department of Housing and Community Development was transferred to the D.C. Energy Office under the Department of Public Works by Reorganization Plan No. 3 of 1993, approved January 20, 1993.

Miscellaneous Notes

Interagency energy task force established: See Mayor's Order 86-61, April 22, 1986.

Section 149 of Pub. L. 104-194, 110 Stat. 2377 provided that "the Director of the District of Columbia Office of Energy shall, subject to the contract approval provisions of Public Law 104-8--.

(A) develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost effective energy and water savings;

(B) enter into innovative financing and contractual mechanisms including, but not limited to, utility demand-side management programs and energy savings performance contracts and water conservation performance contracts: *Provided*, That the terms of such contracts do not exceed twenty-five years; and.

(C) permit and encourage each department or agency and other instrumentality of the District of Columbia to participate in programs conducted by any gas, electric or water utility of the management of electricity or gas demand or for energy or water conservation."

Pursuant to Mayor's Order 98-198 (46 DCR 240) pub. January 8, 1999, the name of the Office of Emergency Preparedness has been changed to the D.C. Emergency Management Agency.

§ 8-171.05. REVIEW BY DISTRICT AUDITOR.[REPEALED]

(Mar. 4, 1981, D.C. Law 3-132, § 6, 28 DCR 445; Oct. 19, 2000, D.C. Law 13-172, § 2404, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 2-905.

1981 Ed., § 1-1905.

Emergency Act Amendments

For temporary (90-day) repeal of section, see § 2404 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) repeal of section, see § 2404 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For legislative history of D.C. Law 3-132, see Historical and Statutory Notes following § 2-901.

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 18, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-375 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

Miscellaneous Notes

Interagency energy task force established: See Mayor's Order 86-61, April 22, 1986.

§ 8-171.06. CITIZENS ENERGY ADVISORY COMMITTEE.[EXPIRED]

(Mar. 4, 1981, D.C. Law 3-132, § 7, 28 DCR 445; Aug. 2, 1983, D.C. Law 5-24, § 11, 30 DCR 3341; May 19, 1987, D.C. Law 7-4, § 2, 34 DCR 2334; Oct. 9, 1987, D.C. Law 7-33, § 2, 34 DCR 5314; Apr. 30, 1988, D.C. Law 7-104, § 32, 35 DCR 147; Aug. 17, 1991, D.C. Law 9-45, § 2, 38 DCR 4988.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 2-906.

1981 Ed., § 1-1906.

Miscellaneous Notes

Expiration of the Citizens Energy Advisory Committee: Pursuant to subsection (e) of expired § 1-1906 [§ 2-906, 2001 Ed.], the Citizens Energy Advisory Committee "shall continue in existence for 14 years, at which time, it shall be terminated unless reestablished by the Council of the District of Columbia." The citizens Energy Advisory Committee is deemed to have expired on March 4, 1995.

§ 8-171.07. SEVERABILITY.

If any provisions of this chapter, or of any rule, regulation, or order thereunder or the application of such provision to any person or circumstance shall be held invalid, the remainder of this chapter and application of such provisions of this chapter or of such rule, regulation, or order to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

(Mar. 4, 1981, D.C. Law 3-132, § 8, 28 DCR 445.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 2-907.

1981 Ed., § 1-1907.

Legislative History of Laws

For legislative history of D.C. Law 3-132, see Historical and Statutory Notes following § 2-901.

Editor's Notes

Because of the codification of D.C. Law 6-173 as subchapter II of Chapter 19 of Title 1 [subchapter II of Chapter 9 of Title 2, 2001 Ed.], and the designation of the preexisting text as subchapter I, "subchapter" has been substituted for "chapter" throughout the section.