

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

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

**CHAPTER 2.**  
**DEFINITIONS APPLICABLE TO SUBTITLE.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 2. DEFINITIONS APPLICABLE TO**  
**SUBTITLE.**

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# CHAPTER 2. DEFINITIONS APPLICABLE TO SUBTITLE.

## § 34-201. "COMMISSION" DEFINED.

For the purpose of this subtitle the term "Commission" or "Public Service Commission" when used herein shall mean the Public Service Commission of the District of Columbia or any successor Commission, which shall include any regulatory or other body that possesses or exercises the same or similar powers, functions, duties, and obligations exercised or possessed by the Commission on May 9, 2000.

(Mar. 4, 1913, 37 Stat. 974, ch. 150, § 8, par. 1; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21; May 9, 2000, D.C. Law 13-107, § 201(b)(1), 47 DCR 1091.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-201.

1973 Ed., § 43-101.

#### *Effect of Amendments*

D.C. Law 13-107 inserted "or 'Public Service Commission'" following "Commission" and substituted the concluding language for "created by this section."

#### *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.

## § 34-202. "COMMISSIONER" DEFINED.

The term "Commissioner" when used in Chapters 1-11 of this title and Chapter 33 of Title 42 shall mean one of the members of such Commission.

(Mar. 4, 1913, 37 Stat. 974, ch. 150, § 8, par. 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-202.

1973 Ed., § 43-102.

## § 34-203. "COMMON CARRIER" DEFINED.

The term "common carrier" when used in this subtitle includes express companies and every corporation, street railroad corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any agency or agencies for public use for the conveyance of persons or property within the District of Columbia for hire. Taxicabs, and all other passenger vehicles for hire, steam railroads, express companies subject to the jurisdiction of the Interstate Commerce Commission, the Washington Terminal Company, and the Norfolk and Washington Steamboat Company, and all companies engaged in interstate traffic upon the Potomac River and Chesapeake Bay and the Washington and Old Dominion Railway, excepting as to the regulation of its operation inside of the District

of Columbia, and the Washington-Virginia Railway Company, excepting as to the regulation of its operation inside of the District of Columbia, are excluded from the operation of this subtitle, and are not included in the term "common carrier."

(Mar. 4, 1913, 37 Stat. 975, ch. 150, § 8, par. 1; Feb. 25, 1916, 39 Stat. 13, ch. 34; Aug. 21, 1916, 39 Stat. 521, ch. 367; Aug. 26, 1916, 39 Stat. 536, ch. 412; Mar. 25, 1986, D.C. Law 6-97, § 21(b), 33 DCR 703.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-211.

1973 Ed., § 43-111.

##### *Legislative History of Laws*

Law 6-97 was introduced in Council and assigned Bill No. 6-159, which was referred to the Committee on Public Services and Cable Television. The Bill was adopted on first and second readings on December 17, 1985, and January 14, 1986, respectively. Signed by the Mayor on January 28, 1986, it was assigned Act No. 6-125 and transmitted to both Houses of Congress for its review.

##### *Effective Dates*

Section 24(b) of D.C. Law 6-97 provides that §§ 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, and 23 shall take effect 1 year after March 25, 1986.

### **§ 34-204. "CORPORATION" DEFINED.**

The term "corporation" when used in this subtitle includes a corporation, company, association, and joint-stock company or association.

(Mar. 4, 1913, 37 Stat. 974, ch. 150, § 8, par. 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-205.

1973 Ed., § 43-105.

### **§ 34-205. "ELECTRIC GENERATING FACILITY" DEFINED.**

The term "electric generating facility" when used in this subtitle means all buildings, easements, real estate, mains, pipes, conduits, fixtures, meters, wires, poles, lamps, devices, and materials of any kind operated, owned, used, or to be used by a person for the generation of electricity. The term includes all buildings, easements, real estate, mains, pipes, conduits, fixtures, meters, wires, poles, lamps, devices, and materials of any kind operated, owned, used, or to be used by a person for cogeneration of electricity.

(Mar. 4, 1913, 37 Stat. 976, ch. 150, § 8, par. 1, as added May 9, 2000, D.C. Law 13-107, § 201(b)(7), 47 DCR 1091.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 13-107, see notes following § 34-201.

### **§ 34-206. "ELECTRIC PLANT" DEFINED.**

The term "electric plant" when used in this subtitle means the material, equipment, and property owned and used, or to be used, by the electric company for or in connection with the transmission or distribution of electricity in the District of Columbia to a retail electric customer.

(Mar. 4, 1913, 37 Stat. 975, ch. 150, § 8, par. 1; May 9, 2000, D.C. Law 13-107, § 201(b)(4), 47 DCR 1091.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-214.

1973 Ed., § 43-114.

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

"The term 'electric plant' when used in Chapters 1-10 of this title includes all engines, boilers, dynamos, generators, storage batteries, converters, motors, transformers, cables, wires, poles, lamps, meters, easements, real estate, fixtures, and personal property, materials, apparatus, and devices of every kind operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale, or furnishing of electricity for light, heat, or power, and any conduits, ducts, or other devices, materials, apparatus, or property for containing, holding, or carrying electrical conductors used or to be used wholly or in part for the transmission of electricity for light, heat, or power, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private property solely for its own use or the use of tenants of its building and not for sale to or for the use of others."

*Legislative History of Laws*

For Law 13-107, see notes following § 34-201.

## **§ 34-207. "ELECTRICAL COMPANY" DEFINED.**

The term "electric company" when used in this subtitle includes every corporation, company, association, joint-stock company or association, partnership, or person and doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers. The term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies electricity and other related electricity services solely to occupants of the building for use by the occupants.

(Mar. 4, 1913, 37 Stat. 976, ch. 150, § 8, par. 1; May 9, 2000, D.C. Law 13-107, § 201(b)(5), 47 DCR 1091.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-215.

1973 Ed., § 43-115.

*Effect of Amendments*

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

"The term 'electrical corporation' when used in Chapters 1-10 of this title includes every corporation, company, association, joint-stock company or association, partnership, or person doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any electric plant, including any water plant, or water property, or water falls, or dam, or waterpower stations, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private property solely for its own use or the use of tenants of its building and not for sale to or for the use of others."

*Legislative History of Laws*

For Law 13-107, see notes following § 34-201.

## **§ 34-208. "EXTENSION OR EXTENSIONS" DEFINED.**

The term "extension or extensions" when used in this subtitle shall include the reasonable extension of the service and facilities of every street railroad, street railroad corporation, gas plant, gas company, electric plant, electrical corporation, telephone corporation, telephone line, telegraph line, and telegraph corporation as the same are defined in this subtitle.

(Mar. 4, 1913, 37 Stat. 974, ch. 150, § 8, par. 1; Mar. 16, 2005, D.C. Law 15-227, § 17(a)(2), 51 DCR 10549.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 15-227 substituted "gas company" for "gas corporation".

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(b) of Prevention of Unauthorized Switching of Customer Natural Gas Accounts Temporary Act of 2001 (D.C. Law 14-13, July 10, 2001, law notification 48 DCR 6589).

*Prior Codifications*

1981 Ed., § 43-208.

1973 Ed., § 43-108.

*Legislative History of Laws*

Law 15-227, the "Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004", was introduced in Council and assigned Bill No. 15-679, and was retained by Council. The Bill was adopted on first and second readings on July 13, 2004, and October 5, 2004, respectively. Signed by the Mayor on November 1, 2004, it was assigned Act No. 15-567 and transmitted to both Houses of Congress for its review. D.C. Law 15-227 became effective on March 16, 2005.

## **§ 34-209. "GAS COMPANY" DEFINED.**

The term "gas company" when used in this subtitle includes every corporation, company, association, joint-stock company or association, partnership, or person manufacturing, making, distributing, or selling gas for light, heat, or power, or for any public use whatsoever in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, and in said district selling, physically transmitting, or distributing natural gas in the District of Columbia to retail natural gas customers. The term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies natural gas and other related natural gas services solely to occupants of the building for use by the occupants.

(Mar. 4, 1913, 37 Stat. 975, ch. 150, § 8, par. 1; Mar. 16, 2005, D.C. Law 15-227, § 17(a)(3), 51 DCR 10549; Mar. 2, 2007, D.C. Law 16-191, § 58(a), 53 DCR 6794.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 15-227 rewrote the section which had read:

"The term 'gas corporation' when used in this subtitle includes every corporation, company, association, joint-stock company or association, partnership, or person manufacturing, making, distributing, or selling gas for light, heat, or power, or for any public use whatsoever in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, and in said district owning, operating, controlling, or managing any gas plant, except where the gas is made or produced and distributed by the maker on or through private property solely for its own use or the use of its tenants and not for sale to or for the use of others."

D.C. Law 16-191 made a change in the directory language of D.C. Law 15-227 which resulted in no change in text.

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(c) of Prevention of Unauthorized Switching of Customer Natural Gas Accounts Temporary Act of 2001 (D.C. Law 14-13, July 10, 2001, law notification 48 DCR 6589).

*Prior Codifications*

1981 Ed., § 43-213.

1973 Ed., § 43-113.

*Legislative History of Laws*

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

Law 16-191, the "Technical Amendments Act of 2006", was introduced in Council and assigned Bill No. 16-760, which was referred to the Committee of the whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 31, 2006, it was assigned Act No. 16-475 and transmitted to both Houses of Congress for its review. D.C. Law 16-191 became effective on March 2, 2007.

## **§ 34-210. "GAS PLANT" DEFINED.**

The term "gas plant" when used in this subtitle means the material, equipment, and property owned and used, or to be used, by the gas company for or in connection with the transmission or distribution of natural gas in the District of Columbia to a retail natural gas customer.

(Mar. 4, 1913, 37 Stat. 975, ch. 150, § 8, par. 1; Mar. 16, 2005, D.C. Law 15-227, § 17(a)(4), 51 DCR 10549.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 43-212.

1973 Ed., § 43-112.

### *Effect of Amendments*

D.C. Law 15-227 rewrote the section which had read:

"The term 'gas plant' when used in this subtitle includes all buildings, easements, real estate, mains, pipes, conduits, service pipes, services, pipe galleries, meters, boilers, water-gas sets, retorts, fixtures, condensers, scrubbers, purifiers, holders, materials, apparatus, personal property, and franchises, and property of every kind used in the conduct of the business operated, owned, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale, or furnishing of gas (natural or manufactured) for light, heat, or power."

### *Legislative History of Laws*

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

## **§ 34-211. "JOINT RATES" DEFINED.**

The term "joint rates" when used in this subtitle with reference to street railways shall be taken to mean rates between unrelated lines in effect on March 4, 1913, under then existing law or under contract, or which may thereafter be specifically authorized by law.

(Mar. 4, 1913, 37 Stat. 974, ch. 150, § 8, par. 1.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 43-207.

1973 Ed., § 43-107.

## **§ 34-212. "PERSON" DEFINED.**

The word "person" when used in this subtitle means every individual, corporation, company, association, joint-stock company, association, firm, partnership, or other entity.

(Mar. 4, 1913, 37 Stat. 974, ch. 150, § 8, par. 1; May 9, 2000, D.C. Law 13- 107, § 201(b)(3), 47 DCR 1091.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 43-206.

1973 Ed., § 43-106.

### *Effect of Amendments*

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

"The word 'person' when used in Chapters 1-10 of this title includes an individual and a firm or copartnership."

### *Legislative History of Laws*

For Law 13-107, see notes following § 34-201.

## **§ 34-213. "PIPELINE COMPANY" DEFINED.**

The term "pipeline company" when used in this subtitle includes every corporation, company, association, joint-stock company or association, partnership, or person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, managing, or controlling the supply of any liquid, steam, or air through pipes or tubing to consumers for use or for lighting, heating, or cooling purposes, or for power.

(Mar. 4, 1913, 37 Stat. 976, ch. 150, § 8, par. 1.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 43-221.

1973 Ed., § 43-121.

#### **§ 34-214. "PUBLIC UTILITY", "UTILITY", OR "UTILITY COMPANY" DEFINED.**

The term "public utility", "utility" or "utility company" as used in this subtitle shall mean and embrace every street railroad, street railroad corporation, common carrier, gas plant, gas company, electric company, telephone corporation, telephone line, telegraph corporation, telegraph line, and pipeline company. Until the initial implementation date of Chapter 15 of this title, the term shall also include every electric generating facility owned and operated by the electric company.

(Mar. 4, 1913, 37 Stat. 974, ch. 150, § 8, par. 1; May 9, 2000, D.C. Law 13- 107, § 201(b)(2), 47 DCR 1091; Mar. 16, 2005, D.C. Law 15-227, § 17(a)(1), 51 DCR 10549.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Effect of Amendments*

D.C. Law 15-227 substituted "gas company" for "gas corporation".

###### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(a) of Prevention of Unauthorized Switching of Customer Natural Gas Accounts Temporary Act of 2001 (D.C. Law 14-13, July 10, 2001, law notification 48 DCR 6589).

###### *Prior Codifications*

1981 Ed., § 43-203.

1973 Ed., § 43-103.

###### *Effect of Amendments*

D.C. Law 13-107 inserted following "The term 'public utility' " the words "or 'utility' or 'utility company' ".

###### *Legislative History of Laws*

For Law 13-107, see notes following § 34-201.

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

#### **§ 34-215. "SERVICE" DEFINED.**

The term "service" is used in this subtitle in its broadest and most inclusive sense.

(Mar. 4, 1913, 37 Stat. 974, ch. 150, § 8, par. 1.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 43-204.

1973 Ed., § 43-104.

#### **§ 34-216. "STREET RAILROAD" DEFINED.**

The term "street railroad" when used in this subtitle includes every such railroad, whether wholly or partly in the District of Columbia, by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for compensation, and includes all equipment, construction, maintenance, repairs, switches, spurs, tracks, terminals, terminal facilities of every kind, trackage, joint or reciprocal trackage, transfers of passengers between street railways having connecting lines and street railways having independent lines, subways, tunnels, and stations, used, operated, or owned by or in connection with any such street railroad, and all the property of the same used in the conduct of its business.

(Mar. 4, 1913, 37 Stat. 974, ch. 150, § 8, par. 1.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 43-209.



### **§ 34-217. "STREET RAILROAD CORPORATION" DEFINED.**

The term "street railroad corporation" when used in this subtitle includes every corporation, company, association, joint-stock company or association, partnership, and person doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any street railroad or any cars or other equipment used thereon or in connection therewith.

(Mar. 4, 1913, 37 Stat. 975, ch. 150, § 8, par. 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-210.

1973 Ed., § 43-110.

### **§ 34-218. "TELEGRAPH CORPORATION" DEFINED.**

The term "telegraph corporation" when used in this subtitle includes every corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any plant, wires, poles, or property for the purposes of communication, or of transmitting or receiving messages by telegraph, or by any telegraphic apparatus or instrument, or any telegraph line or part of telegraph line used in the conduct of the business of affording for hire, communication by telegraph, or which licenses, lets, or permits telegraphic communication for hire.

(Mar. 4, 1913, 37 Stat. 976, ch. 150, § 8, par. 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-219.

1973 Ed., § 43-119.

### **§ 34-219. "TELEGRAPH LINE" DEFINED.**

The term "telegraph line" when used in this subtitle includes conduits, ducts, poles, wires, cables, crossarms, instruments, machinery, appliances, and all devices, real estate, franchises, easements, apparatus, fixtures, property, and routes used, operated, controlled, or owned by any telegraph corporation to facilitate the business of affording communication by telegraph for hire.

(Mar. 4, 1913, 37 Stat. 976, ch. 150, § 8, par. 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-220.

1973 Ed., § 43-120.

### **§ 34-220. "TELEPHONE CORPORATION" DEFINED.**

The term "telephone corporation" when used in this subtitle includes every corporation, company, association, joint-stock company or association, partnership, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any plant, wires, poles for the reception, transmission, or communication of messages by telephone, telephonic apparatus or instruments, or any telephone line or part of telephone line, used in the conduct of the business of affording telephonic communication for hire, or which licenses, lets, or permits telephonic communication for hire.

(Mar. 4, 1913, 37 Stat. 976, ch. 150, § 8, par. 1.)

#### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-217.

1973 Ed., § 43-117.

**§ 34-221. "TELEPHONE LINE" DEFINED.**

The term "telephone line" when used in this subtitle includes conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, and appliances, and all devices, real estate, franchises, easements, apparatus, fixtures, property, appurtenances, and routes used, operated, controlled, or owned by any telephone corporation to facilitate the business of affording telephonic communication for hire, or which licenses, lets, or permits telephonic communication.

(Mar. 4, 1913, 37 Stat. 976, ch. 150, § 8, par. 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-218.

1973 Ed., § 43-118.

**§ 34-222. "WATERPOWER COMPANY" DEFINED.[REPEALED]**

(Mar. 4, 1913, 37 Stat. 976, ch. 150, § 8, par. 1; May 9, 2000, D.C. Law 13- 107, § 201(b)(6), 47 DCR 1091.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-216.

1973 Ed., § 43-116.

*Legislative History of Laws*

For Law 13-107, see notes following § 34-201.