
Councilmember Sharon Ambrose

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Sharon Ambrose introduced the following bill, which was referred to the Committee on _____.

To establish a timeframe for the implementation of customer choice in the electricity supply and electricity supply service market; to allow the Commission to accelerate or delay the implementation timeframe for considerations of reliability, safety, or market power; to prevent the implementation of customer choice until the passage of applicable tax legislation; to implement competitive billing for retail electric customers; to prohibit a person, other than an electric company, from engaging in the business of electricity supplier in the District of Columbia without a license issued by the Commission; to require that an application for a license be in writing, verified by oath and affirmation, and accompanied by proof of technical and managerial competence, proof of compliance with all FERC and independent system operator requirements, a certification of compliance with all relevant state and federal environmental laws, proof of financial integrity, a certification of registration with the

Department of Consumer and Regulatory Affairs, an agreement to be subject to all applicable taxes, and any other information and financial security required by the Commission; to prohibit the transfer of a license without the prior approval of the Commission; to require the Commission to adopt regulations governing licensing prior to the implementation of customer choice; to require that the Commission's oversight of the transition process and regulation of the restructured industry assure orderliness, electric system reliability, compliance with all applicable federal and District of Columbia environmental laws and regulations, and fairness to customers, electric companies, and electric suppliers; to require the Commission to adopt certain regulations and issue certain orders prior to the implementation of customer choice; to require the Commission to order a universal service program; to require the Commission to order an electric company to adopt policies and practices reasonably designed to prevent discrimination and self-dealing; to require the Commission to order electric companies and electricity suppliers to provide adequate and accurate information to customers; to require the Commission to order each electricity supplier to divulge, every six months, the fuel mix of the electricity supplied to each customer; to require the Commission to order the unbundling of rates, charges, and services into standardized categories; to require the Commission to order that customers' bills reflect certain charges; to require the Commission to prevent electric companies and electricity suppliers from disclosing information about customers without consent; to require the Commission to determine the rates, terms, and conditions of standard offer service; to require the Commission to issue regulations to protect consumers, electric companies, and electricity suppliers from anticompetitive and abusive practices; to require the Commission to regulate telemarketing, contracting procedures between customers and

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it was ac qu i red with out the cu sto mer's wri tten
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ser vice s or cha rge s with out the cu sto mer's con sent;

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to prohibit a market participant from engaging in
deceptive or unfair trade practices, discriminating
against a customer because of race, color, creed,
national origin, sex, or sexual orientation, or
refusing to serve a customer for reasons not
reasonably related to the market participant's
economic and business purposes; to require a market
participant to post certain information on the
Internet; to allow the Commission to take certain
punitive or remedial measures against a market
participant for certain violations; to establish the
parameters of monetary penalties imposed on market
participants; to allow the Commission to take certain
temporary remedial measures against market
participants; to require a market participant to
provide certain information to the Commission in
connection with an investigation; to allow the
Office of the People's Counsel to represent aggrieved
retail electric customers; to define standard offer
service, and provide that standard offer service shall
be provided by an electric company for a defined
period; to require that the provider of standard
offer service in the future be determined by
competitive bid; to require that the Commission
regulate the rates, terms, and conditions of standard
offer service; to cap the rate for standard offer
service at a certain level for four years; to allow the
Commission to reduce the rate below the cap during
the four years of the cap's existence; to allow the
Commission to eliminate standard offer service if
certain findings are made; to allow an electric
company to recover its prudently-incurred and
verifiable net transition costs through a competitive
transition charge; to require the Commission to
hold a public hearing and consider certain evidence
when making a determination of transition costs; to
require the Commission to consider certain factors
when determining which transition costs are
recoverable; to require the Commission to conduct
an annual review of market conditions, and to
reconcile those conditions to any authorized

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competitive transition charge; to allow an electric company to recover costs for public purpose programs; to require the Commission to monitor the relevant markets for anticompetitive conduct and anticompetitive conditions, and to take appropriate remedial actions on its own motion or on the motion of affected parties if such conduct or conditions are found to exist; to allow the Commission to determine the effect on relevant markets of mergers, consolidations, transmission congestion or constraints, and disposition of assets ownership by market participants; to prohibit an electric company from engaging in the business of an electricity supplier, other than its provision of standard offer service, except through an affiliate; to prohibit an affiliate of an electric company from engaging in the business of an electricity supplier unless the Commission, after a hearing, makes certain findings; to require a code of conduct between an electric company and its affiliate if the affiliate is allowed to engage in the market as an electricity supplier; to require the Commission to develop regulations governing an application of an electric company affiliate to engage in the market as an electricity supplier; to require the establishment of a universal service program to be administered by the District of Columbia Office of Energy to assist low-income ratepayers; to require the funding of a universal service program through the application of non-bypassable charge to be determined by the Commission and collected by an electric company; to establish a Universal Service Program Trust Fund to support the universal service program mandated by this act; to allow the Commission and the District of Columbia Office of Energy to combine the universal service program mandated by this act with any existing universal service programs; to allow the development of an opt-in municipal aggregation program to be administered by the Mayor; to require private aggregatorsto be licensed pursuant to this act; to require the Commission to establish consumer

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protections for consumers participating in private aggregation programs; to require private aggregators to explain an aggregation program's terms and conditions to a customer, and to obtain a customer's signature prior to enrollment; to require the Commission to provide assistance to persons seeking to implement private aggregation programs; to prohibit a market participant from discriminating against a private aggregator for any reason not reasonably related to the market participant's economic and business purposes; to prohibit a person from constructing an electric generating facility in the District of Columbia after the initial implementation date; to require electricity suppliers to report to the Commission every six months on the fuel mix of their electricity and on the amount of their electricity which comes from renewable energy sources; to require the Commission to provide a report to the Council by a certain date on the cleanliness of the electricity sold in the District of Columbia, and on the feasibility of requiring electricity suppliers to provide a minimum percentage of electricity from renewable energy sources; to amend the Public Utilities Act of 1913 to revise the definitions of "Commission", "public utility", "person", "electric plant" and "electrical corporation"; to delete the definition of "water power company" in its entirety; to add a definition of "electric generating facility"; to include electric companies in the prohibition against receiving compensation in excess of approved rates; to clarify that public utilities are prohibited from rendering services for free or less than approved rates; to clarify that the Commission may act jointly with any official board or commission of the United States or any state in any proceeding against a public utility; to include electric companies and electricity suppliers in the provisions governing the termination of services to an apartment house; to authorize the appointment of a receiver to collect rents from tenants when delinquent bills from electric distribution companies and electricity

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supplier s remain unpaid ; to prohibit electric
companies and electricity supplier s from violating
the provisions of Chapter 5 of Title 43; to prohibit
electric companies and electricity supplier s from
terminating service to an apartment house without a
finding by the commission ; to clarify that the
Commission may investigate any public utility for
charging unreasonable or unjustly discriminatory
rates; to clarify that in a rate case, neither the
Commission nor the Office of the People's Counsel may
seek franchise tax deposits in excess of .25% of the
jurisdictional value of the company it is
investigating ; to require electricity supplier s to pay a
reimbursement fee to the Commission ; to clarify that
when there is more than one rate or charge
complaint made against a public utility, the
Commission may conduct separate hearings; to
clarify that the Commission may conduct a summary
investigation against any public utility for suspicion
of unreasonable rates or charges; to clarify that it is
unlawful for any electric company or other public
utility to acquire the stock or bonds of any other
corporation engaged in the same or similar business
unless authorized by the Commission ; to include
electric distribution companies within the
jurisdiction of the Commission ; to require an
electric company to obtain permission and approval
of the Commission prior to commencing certain
construction ; to require persons furnishing gas and
electric meter s to provide suitable premises and
facilities for testing and proving the accuracy of
those meter s; to include excessive electric
distribution charges as a complete defense in a
collection action ; to delete provisions fixing the
maximum price of electric current and additional
charges for the nonpayment of bills; to grant court-
appointed receiver s the authority to apportion rents
collected to the payment of debt s owed by landlords
to electric distribution companies and electricity
supplier s; to exclude facilities used by electric
companies solely for operating their electricity

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distribution systems from the definition of "cable television system"; to exclude the normal extension of electric distribution company service from the definition of "action"; to repeal certain provisions relating to cogeneration facilities; to amend § 1-1019 of the D.C. Code to exclude electric companies and electricity suppliers from regulation under D.C. Code §§ 1-1019 to 1-1021; to amend § 5-804(d)(1) of the D.C. Code to revise the definition of the term "utility"; to amend § 7-135 of the D.C. Code to revise the definition of the term "utility".

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the 'Retail Electric Competition and Consumer Protection Act of 1999'.

Title I -- General Provisions

Sec. 102. Definitions

For the purposes of this act, the term:

(1) "Affiliate" means a person who directly or indirectly, or through one or more intermediaries, controls, is controlled by, or is under common control with, or has directly or indirectly, any economic interest in another person.

(2) "Aggregator" means a person who acts on behalf of customers to purchase electricity, but does not include any person who purchases electricity for its own use or for the use of its subsidiaries or affiliates.

(3) "Aggregation program" means any system developed by an aggregator for organizing customers into a single purchasing unit;

(4) "Broker" means a person who acts as an agent or intermediary in the sale and

purchase of electricity but who does not take title to electricity. 1

(5) "Competitive Transition Charge" means a rate, charge, credit or other appropriate 2
mechanism authorized to be imposed for the recovery of transition costs as determined by the 3
Commission pursuant to section 111 of this act. 4

(6) "Consumer" or "customer" each means a retail electric customer. 5

(7) "Customer choice" or "choice of electricity suppliers" each means the right of 6
electricity suppliers and consumers to use and interconnect with the electric distribution system 7
on a nondiscriminatory basis in order to distribute electricity from any electric supplier to any 8
customer. Pursuant to this right, consumers shall have the opportunity to purchase electricity 9
supply and electricity supply services from their choice of licensed electricity suppliers. 10

(8) "Distribution territory" means the geographic area in which an electric company is 11
providing electric transmission and/or distribution services to customers on the initial 12
implementation date. 13

(9) "Effective competition" means, with respect to the markets for electricity supply 14
and electricity supply services, billing, and those services declared by the Commission to be 15
potentially competitive services pursuant to section 106(e) of this act, a market structure and a 16
process under which an individual seller is not able to influence significantly the price of the 17
service as a result of the number of sellers of the service, the size of each seller's share of the 18
market, the ability of the sellers to enter or exit the market, and the price and availability of 19
comparable substitutes for the service. 20

(10) "Electricity supplier" means a person, including an aggregator, broker, or 21
marketer, who sells electricity or electricity supply services or who purchases, brokers, arranges 22

or markets electricity or electricity supply services for sale to customers. The term excludes aggregators and building owner/operators and lessee/operators who manage the internal distribution system serving such building and who supply electricity and electricity supply services solely to occupants of the building for use by such occupants.

(11) "Initial implementation date" means the first day on which customers in the District of Columbia shall have the ability to choose an electricity supplier. Unless accelerated or delayed by the Commission pursuant to section 103(c) of this act, the initial implementation date shall be January 1, 2001.

(12) "Marketer" means a person who purchases and takes title to electricity as an intermediary for sale to customers.

(13) "Market participant" means an electric company, any electricity supplier, or any person providing services declared by the Commission to be potentially competitive services pursuant to section 106(e) of this act.

(14) "Potentially competitive service" means a component of electric service, other than electricity supply, electricity supply service, and billing, determined by the Commission to be suitable for purchase by customers by alternative sellers pursuant to section 106(e) of this act.

(15) (A) "Public purpose program" means a program implemented with the intention of furthering a public purpose.

(B) "Public purpose program" includes:

- (1) A universal service program;
- (2) A program encouraging renewable energy resources;
- (3) A demand side management or other energy efficiency or

conservation program; and

(4) A consumer education program.

(16) "Retail electric customer" means a purchaser of electricity for end use in the District of Columbia. The term excludes an occupant of a building where the owners/operators or lessees/operators manage the internal distribution system serving such building and supply electricity and electricity supply services solely to occupants of the building for use by such occupants.

(17) "Schedule" means a list of the dates on which each customer class, or designated percentage of customer class, is eligible for customer choice and competitive billing.

(18) "Standard offer service" means that electric service mandated by section 110 of this act.

(19) "Transition costs" means costs, liabilities, and investments, including regulatory assets, to the extent such costs, liabilities, and investments traditionally have been or would be recoverable under the existing regulatory structure (with retail rates for the provision of electric service) but which may not be recoverable in the restructured electricity supply market, or which arise as a result of electric industry restructuring and are related to the creation of customer choice.

Sec. 103. Implementation Dates for Customer Choice

(a) On and after the initial implementation date, the generation, supply, and sale of electricity, including all related facilities and assets, shall not be regulated except as expressly set forth in this act.

(b) Unless accelerated or delayed pursuant to subsection (c) of this section, customer

choice shall begin on January 1, 2001, and by January 1, 2003, all retail electric customers, regardless of customer class, shall have a choice of electricity suppliers. Unless the initial implementation date is accelerated or delayed, the Commission shall determine, prior to January 1, 2001, a schedule for the phase-in of customer choice between January 1, 2001 and January 1, 2003.

(c) The Commission may accelerate or delay the initial implementation date based on considerations of reliability, safety, or market power. Under no circumstances, however, should the initial implementation date be delayed beyond January 1, 2002. If the initial implementation date is accelerated or delayed pursuant to this subsection, customer choice shall be phased-in over a two-year period beginning on the initial implementation date, and under a schedule determined prior to the initial implementation date by the Commission.

(d) Notwithstanding the dates set forth in this section or any other law, customer choice may not commence until legislation is enacted to restructure District of Columbia taxes to address the tax implications of restructuring the electric utility industry.

Sec. 104. Competitive Billing

Competitive billing shall begin on the initial implementation date, and shall be implemented according to a schedule to be determined by the Commission. The schedule and any other orders and regulations necessary to implement the requirements of this section shall be issued by the Commission prior to the initial implementation date.

Sec. 105. Licensing Requirements.

(a) A person other than an electric company may not engage in the business of electricity supplier in the District of Columbia unless the person holds a license issued by the

Commission.	1
(b) An application for an electricity supplier license shall:	2
(1) Be made to the Commission in writing on a form adopted by the	3
Commission;	4
(2) Be verified by oath or affirmation;	5
(3) Be accompanied by an application fee determined by the Commission;	6
and	7
(4) Contain all information that the Commission requires, including	8
(A) Proof of technical and managerial competence;	9
(B) Proof of compliance with all applicable requirements of the	10
Federal Energy Regulatory Commission and any independent system operator or regional or	11
system transmission operator to be used by the licensee; and	12
(C) A certification of compliance with applicable federal and state	13
environmental laws and regulations that relate to the generation of electricity.	14
(c) The Commission shall, by regulation or order:	15
(1) Require that an applicant demonstrate proof of financial integrity;	16
(2) Require an applicant to post a bond or other similar instrument if, in the	17
Commission's judgment, the bond or similar instrument is necessary to insure an applicant's	18
financial integrity;	19
(3) Require an applicant to:	20
(A) Demonstrate that it has registered with the Department of	21
Consumer and Regulatory Affairs to do business in the District of Columbia;	22

- (B) Agree to be subject to all applicable taxes; and 1
- (4) Adopt any other requirements it finds to be in the public interest. 2
- (d) A license may not be transferred without the prior approval of the Commission. 3
- (e) Before the initial implementation date, the Commission shall adopt regulations to: 4
- (1) Determine the form of the application, the amount of the application fee, 5
and the information required to be submitted with an application under this section; 6
- (2) Determine financial capability requirements, including insurance and 7
bonding requirements; 8
- (3) Establish procedures for the filing and resolution of complaints against 9
retail electric service providers; and 10
- (4) Establish the duration of a license issued under this section, procedures 11
and requirements for license renewal, and provisions regarding the surrender and lapse of a 12
license. 13
- Sec. 106. Role, Duties, and Powers of the Commission. 14
- (a) The Commission's assessment and approval of restructuring plans, oversight of 15
the transition process, and regulation of the restructured electric industry shall provide that the 16
transition to a competitive electricity supply and electricity supply services market shall be 17
orderly, maintain electric system reliability, ensure compliance with all applicable federal and 18
District of Columbia environmental laws and regulations, and be fair to customers, electric 19
companies, and electricity suppliers. 20
- (b) The Commission shall adopt the regulations or issue the orders required under this 21
section before the implementation of customer choice. 22

- (c) (1) The Commission shall order a universal service program to be made available on a citywide basis to benefit low-income customers in accordance with section 115 of this act.
- (2) The Commission shall order an electric company to adopt policies and practices reasonably designed to prevent:
- (A) Discrimination against a person, locality, or particular class of service
 - (B) Undue or unreasonable preference in favor of the electric company's own electricity supply, or other services, divisions, or affiliates, if any; and
 - (C) Any forms of self-dealing or other practices that could result in non-competitive electricity prices to customers.
- (3) The Commission shall, by regulation or order, require each electric company and electricity supplier to provide adequate and accurate information to each customer on the available electric services of the electric company or electricity supplier.
- (4) The Commission shall, by regulation or order, require each electricity supplier to disclose to its customers, every six months, either the fuel mix of the electricity purchased by those customers, including categories of electricity from coal, natural gas, nuclear, oil, hydroelectric, solar, biomass, wind, and other resources, or a regional fuel mix average. The Commission may, in its discretion, require an electricity supplier to provide documentation supporting the disclosures required under this subsection.
- (5) The Commission shall, by regulation or order, require the unbundling of electric company rates, charges, and services into standardized categories determined by the

Commission.	1
(6) The Commission shall, by regulation or order, require that customers' bills	2
for electricity service indicate charges for:	3
(A) Transmission and distribution;	4
(B) Satisfaction of transition costs;	5
(C) Satisfaction of costs for public purpose programs;	6
(D) Universal service programs;	7
(E) Taxes; and	8
(F) Other charges determined by the Commission.	9
(7) The Commission shall issue regulations or orders to prevent an electric	10
company or an electricity supplier from disclosing information about a retail electric customer	11
without the retail electric customer's consent. This prohibition shall not apply to lawful	12
disclosures for bill collection or credit rating reporting purposes.	13
(8) The Commission shall determine the terms, conditions, and rates of	14
standard offer service in accordance with section 110 of this act.	15
(9) The Commission shall issue regulations or orders designed to protect	16
consumers, electric companies, and electricity suppliers from anticompetitive and abusive	17
practices.	18
(10) The Commission shall issue regulations or orders to:	19
(A) Establish reasonable restrictions on telemarketing;	20
(B) Establish procedures for contracting between customers and	21
electricity suppliers;	22

(C) Establish requirements and limitations relating to deposits, billing, collections, and contract cancellations; and

(D) Establish procedures for the resolution of disputes between customers and electricity suppliers.

(11) The Commission shall adopt regulations or issue orders adopting definitions and establishing procedural rules for complaints, investigations, and dispositional hearings pursuant to section 109 of this act.

(12) The Commission shall adopt regulations or issue orders adopting definitions and establishing procedural rules for complaints, investigations, and dispositional hearings pursuant to section 113 of this act.

(13) The Commission shall adopt regulations or issue orders requiring access by electricity suppliers and customers to an electric company's transmission and distribution system on a non-discriminatory basis.

(14) On or before the initial implementation date, the Commission shall adopt regulations or issue orders, consistent with the policies enunciated in this act, reasonably designed to ensure the development of competitive electricity supply and electricity supply services markets, with appropriate customer safeguards.

(15) (A) The Commission shall order an electric company, in conjunction with the Commission, the Office of the People's Counsel, and other parties, to implement a consumer education program informing consumers of changes in the electric industry.

(B) Any board or group established under subsection (15)(A) of this section shall include at least 2 members of the public.

(C) As part of the consumer education program under this subsection, the Office of the People's Counsel shall develop and maintain information regarding rates and services provided by licensed electricity suppliers to small commercial and residential customers.

The information required in this subsection shall be:

(i) Readily understandable and formatted to provide a comparison of rates and services offered by electricity suppliers; and

(ii) Made available to the public through the ordinary means of publication of the Office of the People's Counsel, including posting on the Internet.

(d) (1) Notwithstanding any other provision of law, the Commission may regulate the regulated services of an electric company through alternative forms of regulation.

(2) The Commission may adopt an alternative form of regulation under this section if the Commission finds, after notice and a hearing, that the alternative form of regulation:

(A) Protects consumers;

(B) Ensures the quality, availability, and reliability of regulated electric services; and

(C) Is in the interest of the public, including shareholders of the electric company.

(3) Alternative forms of regulation may include:

(A) Price regulation, including price freezes or caps;

(B) Revenue regulation;

(C) Ranges of authorized return;

- (D) Rate of return; 1
- (E) Categories of services; and 2
- (F) Price-indexing. 3

(e) The Commission shall determine that a component of electric service, other than electricity supply, electricity supply service, and billing is a potentially competitive service if: 4 5

(1) Provision of the service by alternative sellers will not harm any class of customers; 6 7

(2) Provision of the service will decrease the cost of providing the service to customers in the District of Columbia, or increase the quality or innovation of the electric service to customers in the District of Columbia; 8 9 10

(3) Effective competition in the market for that service is likely to develop; and 11 12

(4) Provision of the service by alternative sellers will not otherwise jeopardize the safety and reliability of electric service in the District of Columbia. 13 14

(f) If the Commission determines that the market for electricity supply and electricity supply service, billing, or any other component of electric service declared by the Commission to be a potentially competitive service under subsection (e) of this act, does not have effective competition, the Commission shall, by regulation or order, establish the rates, terms, and conditions of the service. The regulation or order must ensure that the rates, terms, and conditions are just and reasonable, and not unduly discriminatory. 15 16 17 18 19 20

Sec. 107. Duties of an Electric Company 21

(a) The electric company in a distribution territory shall provide and be responsible 22

for distribution services in the territory. 1

(b) The electric company shall provide distribution services in its distribution territory 2
to all customers and electricity suppliers on rates, terms of access, and conditions that are 3
comparable to the electric company's own use of its distribution system. 4

(c) An electric company shall maintain the reliability of its distribution system in 5
accordance with applicable orders, tariffs, and regulations of the Commission. 6

(d) An electric company shall connect customers and deliver electricity on behalf of 7
electricity suppliers consistent with the provisions of this act. 8

Sec. 108. Consumer Protections 9

(a) A market participant may not disclose any information about a retail electric 10
customer without the customer's written permission. This restriction shall not apply to lawful 11
disclosures for bill collection or credit rating reporting purposes. 12

(b) Unless the retail electric customer consents in writing, a market participant may 13
not use information about a retail electric customer for any purpose other than the purpose for 14
which the information was originally acquired. 15

(c) Unless the retail electric customer consents, an electricity supplier may not change 16
a retail electric customer's electricity supplier. 17

(d) Unless the retail electric customer consents, a market participant may not add 18
services or new charges to a retail electric customer's existing retail electric service options. 19

(e) A market participant may not engage in marketing, advertising, or trade practices 20
that are unfair, false, misleading, or deceptive. 21

(f) A market participant may not discriminate against any retail electric customer 22

based wholly or partly on the race, color, creed, national origin, sex, or sexual orientation of the retail electric customer, or for any arbitrary, capricious, or unfairly discriminatory reason.

(g) A market participant may not refuse to provide service to a customer except by the application of standards that are reasonably related to the market participant's economic and business purposes.

(h) A market participant shall post on the Internet information that is readily understandable about its services and rates for small commercial and residential electric customers.

Sec. 109. Investigation of Violations, Penalties for Violations

(a) After notice and a hearing and for just cause, the Commission may:

- (1) Suspend or revoke a license of a market participant;
- (2) Impose a civil penalty on a market participant;
- (3) Order a refund or credit to a retail electric customer;
- (4) Cancel a contract or part of a contract between a retail electric customer

and a market participant; or

- (5) Issue a cease and desist order to a market participant.

(b) For the purposes of this section, just cause means:

- (1) Intentionally providing false information to the Commission;
- (2) Switching, or causing to be switched, the electricity supplier for a retail electric customer without first obtaining the customer's written consent;
- (3) A failure by an electricity supplier to provide electricity for its customers;
- (4) Committing fraud or engaging in deceptive practices;

- (5) Failing to maintain financial integrity; 1
- (6) Violating a Commission regulation or order; 2
- (7) Failing to pay, collect, remit, or calculate accurately any applicable tax; 3
- (8) Violating any requirement of this act, any federal or District of Columbia 4
environmental law or regulation, or any federal or District of Columbia consumer protection 5
provision; 6
- (9) Conviction of a felony by the licensee or principal of the licensee, or any 7
crime involving fraud, theft, or deceit; and 8
- (10) Revocation of the authority to engage in the provision of any component 9
of electric service by any other state or federal agency. 10
- (c) (1) A civil penalty imposed by the Commission pursuant to this section shall 11
not exceed \$10,000 per violation. 12
- (2) Each day a violation continues shall be considered a separate violation. 13
- (3) The Commission shall determine the amount of any civil penalty after 14
considering: 15
- (A) The number of previous violations on the part of the market 16
participant; 17
- (B) The gravity of the current violation; and 18
- (C) The good faith of the market participant in attempting to achieve 19
compliance after notification of the violation. 20
- (d) The Commission may temporarily suspend a license, issue a temporary cease and 21
desist order, or take any other appropriate temporary remedial action, pending a final 22

determination after notice and hearing, if the Commission determines that there is probable cause to believe that consumers or the reliability of the electric supply in the District of Columbia will be harmed by the actions of a market participant.

(e) A proceeding on the violations listed in subsection (b) may be instituted on the Commission's own motion, or may be triggered by a complaint of the Office of the People's Counsel, the Office of the Corporation Counsel, or any aggrieved party.

(f) In connection with an investigation under this section, a market participant shall provide to the Commission access to any accounts, books, papers, and documents which the Commission considers necessary to resolve the matter.

(g) In a proceeding instituted pursuant to this section, the Office of the People's Counsel may represent any aggrieved retail electric customer.

Sec. 110. Standard Offer Service.

(a) Standard offer service is electricity supply and electricity supply service made available on and after the initial implementation date to:

(1) Customers not yet allowed to choose an electricity supplier under the phase-in of customer choice under section 103 of this act;

(2) Customers who contract for electricity with an electricity supplier, but who fail to receive delivery of electricity under such contracts;

(3) Customers who cannot arrange to purchase electricity from an electricity supplier; and

(4) Customers who do not choose an electricity supplier.

(b) Standard offer service shall be provided by an electric company from January 1,

2001 through July 1, 2003. If the initial implementation date is accelerated or delayed pursuant to section 103(c), standard offer service shall be provided by an electric company on the initial implementation date, and for 30 months thereafter.

(c) On or before July 1, 2001, the Commission shall adopt regulations or issue orders to establish procedures for the competitive selection of electricity suppliers, including an electric company, to provide standard offer service to customers under this section. The competitive selection shall take place no later than July 1, 2002. The electricity supplier chosen to provide standard offer service shall begin providing such service on July 2, 2003, or, if the initial implementation date is accelerated or delayed pursuant to section 103(c) of this act, on the day after the expiration of the 30 month period specified by subsection (b) of this section.

(d) The Commission shall, after notice and an opportunity for a hearing, determine the rates, terms, and conditions of standard offer service, and shall establish such requirements for providers and customers as it finds necessary to promote the reliable and economic provision of such services and to prevent the inefficient use of such services. The Commission may use any rate method that promotes the public interest and may establish different rates, terms, and conditions for different classes of customers.

(e) Any other provision of this act notwithstanding, for four years after the initial implementation date, the total rate charged to a customer receiving standard offer service, including charges for electricity supply, electricity supply service, transmission, distribution, billing, metering, universal service programs, transition costs, public purpose programs, and any other costs or services, shall not exceed the total of the rates authorized by the Commission and charged to that customer on the date immediately preceding the initial implementation date.

(f) During the four years in which the rate cap under subsection (e) is in effect, the Commission shall have the authority to reduce, in a manner it deems appropriate, the total rate charged to a customer receiving standard offer service. The Commission may not implement such a rate reduction, however, if the rate reduction would hinder the development of effective competition in the electricity supply and electricity supply service market, or in the market for any other component of electric service declared by the Commission to be a potentially competitive service pursuant to section 106(e) of this act.

(g) The Commission may eliminate the provision of standard offer service if it determines that:

(1) The market for electricity supply and electricity supply services is fully competitive; and

(2) Alternative mechanisms are in place to serve standard offer service customers efficiently.

Sec. 111. Transition Costs.

(a) An electric company shall be provided a fair opportunity to recover all of its prudently incurred and verifiable net transition costs, subject to full mitigation, following the Commission's determination under subsection (b) of this section. In connection with the foregoing:

(1) A competitive transition charge, or other appropriate non-bypassable mechanism as determined by the Commission, may be included as part of the charge paid by every customer accessing the transmission or distribution system of the electric company.

(2) The competitive transition charge may be included on bills to customers

- for a period of limited duration to be determined by the Commission. 1
- (3) The Commission may establish recovery periods of different lengths for 2
different categories of transition costs. 3
- (4) Any competitive transition charge must be fair to all customer classes. 4
- (b) (1) The transition costs and amounts thereof that an electric company shall be 5
provided an opportunity to recover under its restructuring plan through the competitive transition 6
charge or other appropriate mechanism shall be determined by the Commission. 7
- (2) In determining the appropriate transition costs or benefits for each electric 8
company's generation-related assets, the Commission shall: 9
- (A) Conduct public hearings; and 10
- (B) Consider, in addition to other appropriate evidence of value: 11
- (i) Book value and fair market value; 12
- (ii) Auctions and sales of comparable assets; 13
- (iii) Appraisals; 14
- (iv) The revenue the company would receive under rate-of- 15
return regulation; 16
- (v) The revenue the company would receive in a restructured 17
electricity supply market; and 18
- (vi) Computer simulations provided to the Commission. 19
- (3) If the Commission determines that transition costs exist, the Commission 20
shall determine the extent of the permitted recovery based on the following factors: 21
- (A) The prudence of the original investment and the prudence of the 22

continued management of the investment; 1

- (B) Whether the investment was mandated by law, regulation, or order; 2
- (C) Whether the amount at issue has been fully verified and 3
minimized; 4
- (D) Whether the investment continues to be used and useful; 5
- (E) Whether the loss is one of which investors can be said to have 6
reasonably borne the risk; 7
- (F) Whether investors have already been compensated for the risk; 8
- (G) The financial integrity of the electric company; and 9
- (H) The impact of a recovery of transition costs on the development of 10
effective competition in the market for electricity supply and electricity supply services, billing, 11
or the market for any component of electric service declared by the Commission to be a 12
potentially competitive service pursuant to section 106(e) of this act. 13

(c) The Commission shall establish procedures for an annual review of actual market 14
conditions to determine if the authorized competitive transition charge is overcompensating or 15
undercompensating an electric company for the transition costs established under subsection 16
(b)(3) of this section. If an annual review demonstrates that the authorized competitive transition 17
charge is overcompensating or undercompensating an electric company for the transition costs 18
established under subsection (b)(3) of this section, the Commission shall adjust the competitive 19
transition charge accordingly. 20

Sec. 112. Recovery for Public Purpose Programs 21

(a) An electric company may make an application to the Commission to recover all 22

costs that have been or will be incurred by the electric company under public purpose programs established by law or ordered by the Commission. To the extent determined by the Commission to be just and reasonable, the Commission shall allow an electric company to recover such costs.

(b) Such costs may be recovered through a surcharge or other appropriate cost recovery mechanism to be determined by the Commission. Any surcharge or other cost recovery mechanism implemented in connection with this section must be fair to all customer classes.

(c) In determining whether an electric company should be permitted to recover costs defined by this section, the Commission shall ensure that such costs have not been recovered through rates charged prior to the initial implementation date.

Sec. 113. Market Power, Remediation

(a) In this section, the following terms have the meanings indicated:

(1) "Anticompetitive conduct" means an activity which would:

(A) Be in violation of any applicable antitrust law;

(B) Constitute favorable treatment of an affiliate;

(C) Discriminate against a non-related entity;

(D) Constitute a barrier to entry;

(E) Confer an unfair competitive advantage on an entity.

(2) "Anticompetitive condition" means a condition which would allow a party

to:

(A) Exercise vertical or horizontal market power;

(B) Use the ownership or control of a regulated facility to favor an

unregulated affiliate or subsidiary or to discriminate against a non-affiliated entity;

- (C) Erect a barrier to entry; or 1
- (D) Compete unfairly or deny effective competition to consumers. 2

(b) The Commission shall monitor the market for electricity supply and electricity supply services, and the market for any service determined by the Commission to be a potentially competitive service pursuant to section 106(e) of this act to identify and prevent or remedy any anticompetitive conduct or anticompetitive conditions. 3
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(c) (1) Any competitor or potential competitor in the market for electricity supply and electricity supply services, and the market for any service determined by the Commission to be a potentially competitive service pursuant to section 106(e) of this act, the Office of the People's Counsel, or any aggrieved customer or customer group may file a complaint with the Commission seeking an investigation of anticompetitive conduct or an anticompetitive condition. 7
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(2) The Commission may investigate anticompetitive conduct or an anticompetitive condition on its own motion, or as a result of a complaint filed under subsection (c)(2) of this section. 12
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(3) If, after notice and a hearing, the Commission finds that anticompetitive conduct has occurred, or that an anticompetitive condition exists, the Commission may impose any appropriate structural or behavioral remedy, including divestiture and conditions and limitations on the ownership, operation, and control of the assets of a person. 15
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(4) The Commission shall include the use of antitrust analysis and principles in reaching its determinations under this subsection. 19
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(d) (1) The Commission may determine the effect on the markets for electricity supply, electricity supply services, billing, and any service determined by the Commission to be a 21
22

potentially competitive service pursuant to section 106(e) of this act, of: 1

(A) Mergers, consolidations, or acquisitions of assets of market 2
participants; 3

(B) Transmission congestion or constraints; and 4

(C) The disposition of ownership, operation, or control of assets of 5
market participants. 6

(2) The Commission may deny or place conditions on any transaction covered 7
by this subsection. 8

(3) The Commission shall include the use of antitrust analysis in making its 9
determinations under this subsection. 10

(e) The Commission shall adopt regulations or issue orders adopting definitions and 11
establishing procedural rules for complaints, investigations, and dispositional hearings pursuant 12
to this section. 13

(f) In connection with an investigation under this section, a market participant shall 14
provide to the Commission access to any accounts, books, papers, and documents which the 15
Commission considers necessary to resolve the matter. 16

(g) Nothing in this section shall be construed to exempt market participants from any 17
other applicable statute of the District of Columbia relating to consumer or antitrust protections. 18

Sec. 114. Provision of Electricity Supply and Electricity Supply Service by Electric Company 19

(a) Other than its provision of standard offer service, an electric company may not 20
engage in the business of an electricity supplier in the District of Columbia unless it does so 21
through an affiliate. 22

- (b) An affiliate of an electric company may engage in the business of an electricity supplier in the District of Columbia only upon a finding by the Commission, after a hearing, that:
- (1) The electric company is in compliance with section 107 of this act;
 - (2) The affiliate will have an arm's length relationship with the electric company;
 - (3) The business or organizational relationship, or both, between the affiliate and the electric company will not interfere with the development of effective competition in the electricity supply market; and
 - (4) The risk of anticompetitive behavior by the electric company or the affiliate is minimal.
- (c) If an affiliate of an electric company is allowed to participate in the market as an electricity supplier pursuant to subsection (b) of this section, the Commission shall develop a code of conduct between the electric company and the affiliate which:
- (1) Establishes functional, operational, structural, and/or legal separation between the electric company and the affiliate;
 - (2) Prevents the electric company from subsidizing the activities of the affiliate; and
 - (3) Prevents the affiliate from subsidizing the activities of the electric company.
- (d) The Commission shall adopt regulations which specify the information which must be submitted and the procedure which will be used to process a request by an affiliate of an electric company to engage in the business of an electricity supplier in the District of Columbia.

The procedure must provide an opportunity for the affiliate to obtain a determination from the Commission regarding its request to engage in the business of an electricity supplier no later than 6 months before the initial implementation date.

(e) An electric company and an affiliate participating in the market as an electricity supplier in accordance with this section are subject to all applicable statutes of the District of Columbia and the United States relating to consumer and antitrust protections in the same manner as if the provider and its affiliate were not affiliated.

Sec. 115. Universal Service.

(a) (1) The Commission shall establish a universal service program to assist low-income District of Columbia electricity ratepayers.

(2) The District of Columbia Office of Energy shall be responsible for administering the universal service program, subject to the oversight of the Commission.

(b) (1) All customers shall contribute to the funding of the universal service program through a non-bypassable charge collected by an electric company.

(2) The charge mandated by subsection (b)(1) of this section shall be determined by the Commission. The charge may vary by customer class, and shall be established at a level which ensures that each customer class provides a fair and equitable share of the funding for the universal service program.

(3) On an annual basis, the Commission shall evaluate the charge mandated by subsection (b)(1) of this section to determine whether it is set at an appropriate level to fund the universal service program mandated by this section. If the Commission finds that the charge is not set at an appropriate level, the Commission may adjust the charge accordingly.

(c) (1) There is hereby established the Universal Service Program Trust Fund, 1
which shall be classified as a proprietary fund and a type of enterprise fund for the purposes of 2
section 4(a) of the District of Columbia Fund Accounting Act of 1980, effective June 4, 1980 3
(D.C. Law 3-70; D.C. Code § 47-373). 4

(2) An electric company shall remit all proceeds collected pursuant to 5
subsection (b) of this section to the District of Columbia Treasurer on a monthly basis. The 6
Chief Financial Officer of the District of Columbia shall deposit those proceeds into the 7
Universal Service Program Trust Fund. All proceeds collected by an electric company pursuant 8
to subsection (b) of this section shall be credited to the Universal Service Program Trust Fund 9
without regard to fiscal year limitation. 10

(3) All revenue credited to the Universal Service Program Trust Fund is 11
specifically designated to fund the universal service program mandated by subsection (a) of this 12
section. The Universal Service Program Trust Fund shall not be used for any other purpose. 13

(4) All interest earned on monies deposited in the Universal Service Program 14
Trust Fund shall be credited to the Universal Service Program Trust Fund and shall be used 15
solely for the purposes designated in this section. 16

(5) Subject to the oversight of the Commission, the District of Columbia 17
Office of Energy shall disburse money from the Universal Service Program Trust Fund to fund 18
the universal service program developed by the Commission pursuant to subsection (a) of this 19
section. 20

(d) The universal service program developed and administered pursuant to this 21
section is designed to supplement any existing universal service program operated by the 22

Commission, or any existing program operated by the District of Columbia Office of Energy. To the extent allowed by federal or District of Columbia law, the universal service program mandated by this section may be combined with any existing universal service program operated by the Commission, or any existing program operated by the District of Columbia Office of Energy.

Sec. 116. Aggregation Programs

(a) (1) After the initial implementation date, the Mayor may develop and administer a municipal aggregation program for District of Columbia residents for the purchase of electricity supply and electricity supply services.

(2) Any customer electing to participate in the aggregation program allowed by subsection (a)(1) of this section must do so affirmatively and voluntarily, as evidenced by a signature authorizing the customer's participation. The terms and conditions of the aggregation program must be clearly articulated in writing to the customer before the customer's signature is obtained.

(b) (1) A person may not operate a private aggregation program unless that person obtains a license pursuant to section 105 of this act.

(2) Any customer electing to participate in a private aggregation program must do so affirmatively and voluntarily, as evidenced by a signature authorizing the customer's participation. The terms and conditions of the aggregation program must be clearly articulated in writing to the customer before the customer's signature is obtained.

(3) The Commission shall by regulation or order establish reasonable consumer protections for customers who participate in private aggregation programs.

(4) The Commission shall provide assistance to any person seeking to implement a private aggregation program. Such assistance shall include help in understanding the technical and economic issues involved in purchasing electricity supply and electricity supply services, or any other service determined by the Commission to be a potentially competitive service pursuant to section 106(e) of this act.

(5) The Commission shall adopt any other reasonable regulations relating to aggregators and aggregation programs that it determines to be in the public interest.

(c) A market participant may not refuse to provide service to an aggregator except by the application of standards that are reasonably related to the market participant's economic and business purposes.

Sec. 117. Prohibition on New Generating Facilities in the District of Columbia

After the initial implementation date, no person shall construct an electric generating facility in the District of Columbia.

Sec. 118. Renewable Energy Sources

(a) In this section, "renewable energy source" means one of the following sources of energy:

- (1) solar ;**
- (2) wind ;**
- (3) tidal ;**
- (4) geothermal ;**

- (5) biomass, including waste-to-energy and
landfill gas recovery;
- (6) hydroelectric facilities;
- (7) digester gas; and
- (8) a manufacturing or commercial waste-to-
energy system or facility.

(b) Every six months after the initial implementation date, each licensed electricity supplier doing business in the District of Columbia shall provide a report to the Commission on the fuel mix of the electricity sold by that electricity supplier, including categories of electricity from coal, natural gas, nuclear, oil, hydroelectric, solar, biomass, wind, and other resources, and on the percentage of electricity sold by that electricity supplier which comes from renewable energy sources.

(c) By January 1, 2002, the Commission shall provide a report to the Council on the amount of electricity sold in the District of Columbia which comes from renewable energy sources, and on the feasibility of requiring each licensed electricity supplier doing business in the District of Columbia to provide a minimum percentage of electricity sold from renewable energy sources.

Title II -- Amendment of Title 43

1 **Sec. 201. An Act Making appropriations to provide for**
2 **the expenses of the government of the District of**
3 **Columbia for the fiscal year ending June thirtieth,**
4 **nineteen hundred and fourteen, approved March 4, 1913 (37**
5 **Stat. 992; D.C. Code §§ 43-101 et seq.), is amended as follows:**

6 **(a) Paragraph 92 of section 8 (37 Stat. 993; D.C. Code §**
7 **43-103) is amended by striking the first period and**
8 **inserting the phrase "; provided, however, that the**
9 **generation, supply, and sale of electricity, including all**
10 **related facilities and assets, shall not be regulated by the**
11 **Commission except as expressly set forth in the Retail**
12 **Electric Competition and Consumer Protection Act of**
13 **1999." in its place.**

14 **(b) Paragraph 1 of Section 8 (37 Stat. 974; D.C. Code Title**
15 **43, Ch. 2) is amended as follows:**

16 **(1) D.C. Code § 43-201 is amended by inserting the**
17 **phrase "or Public Service Commission" after the word**
18 **"Commission" in the title and when it first appears in the**
19 **text and by striking the phrase "created by Chapters 1-10 of**
20 **this title" and inserting the phrase "or any successor**

Commission thereto which shall include without
limitation 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
the effective date of the Retail Electric Competition and
Consumer Protection Act of 1999 or contemplated by such
Act." in its place.

(2) D.C. Code § 43-203 is amended by inserting the
phrase "or "utility" or "utility company"" after the phrase
"public utility" in its title and text and striking the phrase
"electric plant, electrical corporation, water power
company" and inserting the phrase "electric company" in
its place. A new sentence is added to the end to read as
follows: "Until the initial implementation date of the
Retail Electric Competition and Consumer Protection Act
of 1999, such term shall also include every electric plant."

(3) D.C. Code § 43-206 is amended by striking the
phrase "includes an individual and a firm or
copartnership" and inserting the phrase "means every
individual, corporation, company, association, joint-
stock company, association, firm, partnership, or other

entity." in its place.

(4) D.C. Code § 43-214 is amended to read as follows:

"The term "electric plant" when used in Chapters 1-10 of this title means the material, equipment, and property owned by an electric company and used or to be used for or in connection with the transmission or distribution of electricity in the District of Columbia to a retail electric customer."

(5) D.C. Code § 43-215 is amended by striking the phrase "electrical corporation" and inserting the phrase "electric company" in its place in the title and text, by inserting the word "and" after the phrase "doing business in the District of Columbia," and by striking the phrase "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" and inserting the phrase "physically transmitting or distributing electricity in the District of Columbia to retail electric customers. The term excludes any building owner/operators and lessee/operators who hold ownership over or a leasehold interest in, and manage the internal distribution system serving, such building and who supply electricity and other related electricity services solely to occupants of the building for use by such

occupants.".

(6) D.C. Code § 43-216 is deleted in its entirety.

(7) A new definition is added, to read as follows:

"The term "electric generating facility" when used in this title 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."

(c) Paragraph 81 of Section 8 (37 Stat .991; D.C. Code § 43-302) is amended by striking the phrase "corporation, water power".

(d) Paragraph 83 of Section 8 (37 Stat .991; D.C. Code § 43-304) is amended by striking the phrase ", firm, or corporation" in the first and second sentences and inserting the phrase "by a public utility" after the phrase "District of Columbia" in the first sentence.

(e) Paragraph 96 of Section 8 (37 Stat .995; D.C. Code § 43-409(b)) is amended by striking the phrase "service company" and inserting the word "utility" in its place.

(f) Paragraph 36 of Section 8 (37 Stat .983; D.C. Code §

43-608) is amended by inserting the phrase "of any public utility" after the word "convenient".

(g) Paragraph 42 of Section 8 (37 Stat. 984; D.C. Code § 43-612) is amended as follows:

(1) Section 43-612(a)(3) is amended by striking the word "company" in the first sentence and inserting the word "public utility" in its place.

(2) Section 43-612(b)(1) is amended by inserting the phrase "electricity suppliers" after the phrase "public utilities,".

(3) Section 43-612(b)(2) is amended by inserting the phrase "electricity supplier and" after the word "each".

(4) Section 43-612(b)(3) is amended by striking the phrase "each public utility" after the phrase "shall refund to" and inserting the phrase "and electricity supplier" after the phrase "credit each public utility" and inserting the phrase "or electricity supplier" after the phrase "such public utility" and inserting the phrase "and electricity suppliers" after the phrase "all public utilities".

(h) Paragraph 43 of Section 8 (37 Stat. 984; D.C. Code § 43-614) is amended by inserting the phrase "of any public

utility" after the word "charge".

(i) Paragraph 44 of Section 8 (37 Stat. 984; D.C. Code § 43-615) is amended by inserting the phrase "of a public utility" after the word "charge" and inserting the phrase "by a public utility" after the word "supplied".

(j) Paragraph 54 of Section 8 (37 Stat. 985; D.C. Code § 43-801) is amended by striking the word "corporation" after the word "electric" and inserting the word "company" in its place.

(k) Paragraph 55 of Section 8 (37 Stat. 986; D.C. Code § 43-1001) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "electrical corporations" after the phrase "gas corporations and" and inserting the phrase "electric companies" in its place and striking the word "corporation" after the phrase "operated by any" and inserting the word "person" in its place.

(2) Paragraph (2) is amended by striking the phrase "or electricity" after the phrase "and supplying gas" and inserting the phrase "and in transmitting or distributing electricity" in its place and inserting the phrase "with respect to manufacturing, distributing, or supplying such gas, or with respect to transmitting or distributing such electricity" after the word "improvements" and striking the word "thereof" and inserting "of gas or the transmission or distribution of electricity" in its place and striking the phrase "electrical corporations" and

inserting the phrase "electric companies" in its place.

(3) Paragraph (3) is amended by striking the word "supply" and inserting the phrase "transmission or distribution" in its place and striking the phrase "of the current supplied, and of the lamps furnished by the persons or corporations generating and selling electric current" and striking the phrase "of the current supplied, and of the lamps furnished" and inserting the phrase "transmitting or distributing" after the phrase "and supplying gas or" and inserting the phrase "the transmission or distribution of" after the phrase "or distribution of gas or".

(l) Paragraph 56 of Section 8 (37 Stat. 987; D.C. Code § 43-1002) is amended to read as follows:

"§ 43-1002. Approval of certain construction.

No person shall begin the construction of a gas plant, an electric generating facility, or an electric plant without first having obtained the permission and approval of the Commission."

(m) Paragraph 57 of Section 8 (37 Stat. 987; D.C. Code § 43-1003) is amended as follows:

(1) Section 43-1003(d) is amended by striking the phrase "gas corporation and electrical corporation" and inserting the word "person" in its place.

(2) Section 43-1003(e) is amended by striking the phrase "gas or electrical corporation" and inserting the

phrase "person furnishing the meter" in its place and by striking the word "corporation" and inserting the word "person" in its place.

(n) Paragraph 58 of Section 8 (37 Stat. 987; D.C. Code § 43-1004) is amended by inserting the phrase "the transmission or distribution of" after the word "or" in the title and deleting the phrase "or electricity" and inserting the phrase "or the transmission or distribution of electricity" in its place.

Sec. 202. The Prohibition of Electric and Gas Utility Service Termination to Master Metered Apartment Buildings Act of 1980, effective July 9, 1980 (D.C. Law 3-94; 27 DCR 3500) is amended as follows:

(a) Subsection a of Section 3 (D.C. Code § 43-542(a)) is amended by striking the word "utility" and inserting the phrase "company, electricity supplier" after the word "electric".

(b) Section 4 (D.C. Code § 43-543) is amended as follows:

(1) Subsection (a)(1) (D.C. Code § 43-543(a)(1)) is amended by striking the word "utility" and inserting the

ph r a s e "c o m p a n y , e l e c t r i c i t y s u p p l i e r " a f t e r t h e w o r d
"e l e c t r i c ".

(2) S u b s e c t i o n (a) (3) (D . C . C o d e § 4 3 - 5 4 3 (a) (3)) i s
a m e n d e d b y s t r i k i n g t h e w o r d " u t i l i t y " a n d i n s e r t i n g t h e
p h r a s e " e l e c t r i c c o m p a n y , e l e c t r i c i t y s u p p l i e r , o r g a s
c o m p a n y " i n i t s p l a c e .

(3) S u b s e c t i o n (a) (4) (D . C . C o d e § 4 3 - 5 4 3 (a) (4)) i s
a m e n d e d b y s t r i k i n g t h e w o r d " u t i l i t y " b e f o r e t h e w o r d
" s e r v i c e s " a n d s t r i k i n g t h e p h r a s e " u t i l i t y c o m p a n y " a n d
i n s e r t i n g t h e p h r a s e " e l e c t r i c c o m p a n y , e l e c t r i c i t y
s u p p l i e r , o r g a s c o m p a n y " i n i t s p l a c e a n d s t r i k i n g t h e
p h r a s e " u t i l i t y b i l l s " a n d i n s e r t i n g t h e p h r a s e " e l e c t r i c
c o m p a n y , e l e c t r i c i t y s u p p l i e r , o r g a s b i l l s " i n i t s p l a c e .

(4) S u b s e c t i o n (b) (D . C . C o d e § 4 3 - 5 4 3 (b)) i s a m e n d e d
b y s t r i k i n g t h e w o r d " u t i l i t y " a n d i n s e r t i n g t h e p h r a s e
" e l e c t r i c c o m p a n y , e l e c t r i c i t y s u p p l i e r , o r g a s " i n i t s p l a c e .

(5) S u b s e c t i o n (c) (D . C . C o d e § 4 3 - 5 4 3 (c)) i s a m e n d e d b y
s t r i k i n g t h e w o r d " u t i l i t y " a n d i n s e r t i n g t h e p h r a s e " e l e c t r i c c o m p a n y , e l e c t r i c i t y s u p p l i e r , o r g a s "
i n i t s p l a c e .

(c) S e c t i o n 5 (D . C . C o d e § 4 3 - 5 4 4) i s a m e n d e d b y s t r i k i n g t h e w o r d " u t i l i t y " a n d

inserting the phrase "electric company, electricity supplier, or gas" in its place.

(d) Section 7 (D.C. Code § 43-546) is amended as follows:

(1) Subsection (a) (D.C. Code § 43-546(a)) is amended by striking the phrase "gas or electric company" and inserting the phrase "electric company, electricity supplier, or gas company" in its place, and by striking the word "utility".

(2) Subsection (b) (D.C. Code § 43-546(b)) is amended by striking the word "utility" before the word "services", and by striking the phrase "a utility" and inserting the phrase "an electric company, electricity supplier, or gas" before the word "company".

Sec. 203. An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, approved March 3, 1899 (30 Stat. 1053; D.C. Code § 43-1207), is amended by striking everything after the first sentence.

Sec. 204. [Chapter 218, Title XVIII] Section 1804(a) of the District of Columbia Public Works Act of 1954 (68 Stat. 101; D.C. Code § 43-1654(a)(1)) is amended by inserting the phrase "company, electricity supplier" after the word "electric".

Sec 205. Section 3 of the Cable Television Communications Act of 1981, approved July 1, 1982 (D.C. Law 4-

142; D.C. Code § 43-1802(6)(D) is amended to read as follows:

**"Of any electric company used solely for operating its
electricity transmission or distribution systems."**

**Sec. 206. Section 3(1)(E) of the District of Columbia
Public Utility Environmental Impact Statement
Requirement Act of 1989, approved August 1, 1989 (D.C. Law 8-45;
D.C. Code § 43 1902(1)(E) is amended by striking the word
"utility" and inserting the word "company" in its place.**

**Sec. 207. The Cogeneration Facilities Appropriateness
Standards Act of 1994, approved May 21, 1994 (D.C. Law 10-120;
D.C. Code § 43-2001 et seq.) is repealed.**

Title III -- Other Amendments

**Sec. 301. Section 1 of An Act to regulate electrical wiring in the District of Columbia,
approved April 26, 1904 (33 Stat. 306; D.C. Code § 1-1019) is amended by inserting the phrase
"and electricity suppliers" after the phrase "exemption of public utilities" in its title and striking
the phrase "Department of Finance" and inserting the phrase "Office of Tax" in its place and
striking the phrase "the power plants or buildings of incorporated companies" and inserting the
phrase "any electric company or electricity supplier facility or equipment" in its place and
striking the word "and" after the word "production," and inserting the phrase "transmission or" in
its place.**

Sec. 302. Section 3 of The District of Columbia Redevelopment Act of 1945 of 1945,

approved August 2, 1946 (60 Stat. 793; D.C. Code § 5-804(d)(1)) is amended by striking the phrase "plant, electrical corporation" and inserting the phrase "company, electricity supplier" in its place and striking the phrase "43-212 to 43-221" and inserting the phrase "Chapter 2 of Title 43 in its place.

Sec. 303. Section 4 of The District of Columbia Public Utilities Reimbursement Act of 1972, approved October 14, 1972 (86 Stat. 812; D.C. Code § 7-135) is amended as follows:

(a) The word "public" is deleted from the title.

(b) Subsection (b)(1) is amended by striking the phrase "plant, electrical corporation" and inserting the phrase "company, electricity supplier" in its place, and striking the phrase "43-212 to 43-221" and inserting the phrase "Chapter 2 of Title 43 in its place.

Title IV -- Fiscal Impact

Sec. 401. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Title V -- Effective Date

Sec. 501. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-3392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813;

D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

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