

3500

APPLICABILITY

3500.1 Pursuant to D.C. Code §§ 43-527, 43-609, 43-701 *et seq.*, and 43-1452, this Chapter creates an expedited review procedure that shall apply to applications by entities regulated by the Commission for authority to issue or amend tariffs and issue stock or evidences of indebtedness that are payable in more than one year.

Source: Final Rulemaking published at 47 DCR 8202 (October 13, 2000).

3501 EXPEDITED REVIEW PROCESS

- 3501.1 An application for authority to issue or amend tariffs or issue stock or evidences of indebtedness that are payable in more than one year shall be approved by the Commission within thirty (30) days after the publication date in the D.C. Register, provided that: (1) no objection is filed within thirty (30) days after the publication date; and (2) the Commission does not order additional time for review of the application.
- 3501.2 An applicant wishing to have an application reviewed under this Chapter shall file an original and fifteen (15) copies of each application (and any information supporting the application) with the Office of the Commission Secretary. One copy of the application, a draft notice of proposed rulemaking, and a draft notice of final rulemaking shall also be filed on diskette in a format approved by the Commission. The application shall clearly state that the applicant seeks expedited review under this Chapter. The applicant shall also serve a copy of the application on the Office of the People's Counsel on the date the application is filed.
- 3501.3 The Commission shall submit the application to the District of Columbia Office of Documents within five (5) business days of the application filing date to be published in the D.C. Register.
- 3501.4 Any party objecting to the expedited handling of the application shall file an objection, in writing, with the Commission within thirty (30) days of the publication date. The objection shall clearly state the reasons for which the application should not be handled through the expedited procedure. A copy of the objection shall be served on the applicant and the Office of the People's Counsel.
- 3501.5 Responses to objections shall be filed with the Commission within thirty-five (35) days of the publication date. A copy of the response shall be served on the objecting party and the Office of the People's Counsel.
- 3501.6 When an objection to an application is filed, the Commission shall determine within fifteen (15) days after the period for filing an objection has expired whether to handle the application through the expedited procedure. The Commission may grant an objection if the objection is clearly supported by substantive reasons for which the application should not be reviewed through the expedited procedure. Where an objection is granted, the application shall not be handled through the expedited procedure and shall be considered by the Commission following such additional comment and hearing period that the Commission deems appropriate. The Commission Order granting the objection shall state the reasons for which the application shall not be handled through this Chapter. Where an objection is denied, the Commission may approve the application by Order.
- 3501.7 When no objection to an application is filed, the Commission may on its own initiative determine that additional time is needed to review the application. Such a determination must be made no later than thirty (30) days after the

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- publication date and must state the reasons for which the application shall not be handled through this Chapter.
- 3501.8 If the Commission approves an application for authority to issue or amend tariffs or issue stocks or evidences of indebtedness, the approval will become effective upon publication of a notice of final rulemaking reflecting this approval in the D.C. Register.
- 3501.9 If no objection to the application is filed and if the Commission takes no action on the application within forty (40) days after the publication date, then the tariff issuance or amendment or issuance of stock or evidences of indebtedness is deemed approved. Upon the expiration of this 40-day period, the Commission shall submit a notice of final rulemaking to the D.C. Register, making the application effective. An applicant whose application for authority to issue stock or evidences of indebtedness has been approved pursuant to this section may petition the Commission for a certificate if required by D.C. Code § 43-701 et seq.
- 3501.10 Applications for changes in base rates submitted pursuant to D.C. Code § 43-601 and 15 DCMR § 200 et seq. may not be reviewed under the expedited procedures contained in this Chapter.
- 3501.11 Applications for issuance of new service tariffs or issuance or amendment of service or rate tariffs offered by the incumbent local exchange carrier may be reviewed under the expedited procedures contained in this Chapter; however, pursuant to Commission Order No. 11545, for a tariff application submitted by the incumbent local exchange carrier under this subsection, any party objecting to the expedited handling of the tariff application shall have forty-five (45) days after the publication date to submit comments on the application and fifteen (15) days from the comment submission date to file reply comments. If no comments or objections are filed, then the Commission shall have sixty (60) days from the publication date in which to review the application to determine whether it should be handled through the expedited review procedure, and approved. If comments or objections on the application are filed, then the Commission shall have seventy-five (75) days from the publication date to determine whether to handle the application through the expedited review procedure.
- 3501.12 Pursuant to D.C. Code § 43-1452, applications filed by competitive local exchange carriers for issuance of stock or evidences of indebtedness or tariffs relating to tolls, charges, rate structure, terms and conditions of service, rate base, rate of return, operating margin, earnings, or cost of service shall be presumed just and reasonable and deemed approved upon filing with the Commission. However, the Commission reserves the right to review competitive local exchange carrier tariff applications after filing and approval to determine whether the applications pertain to competitive local exchange carrier interconnection, Universal Service Fund subsidies, or quality of service. If the Commission determines that a tariff amendment application filed by a competitive local exchange carrier pertains to competitive local exchange carrier interconnection, Universal Service Fund subsidies, or quality of service, the Commission shall submit the application for publication in the D.C.

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Register, indicating that the application shall be reviewed pursuant to this Chapter.

SOURCE: Final Rulemaking published at 47 DCR 8202 (October 13, 2000).

**3502 ADDITIONAL PROCEDURES FOR ISSUANCE OF
STOCK OR EVIDENCES OF INDEBTEDNESS**

- 3502.1 Each application shall specify the type, number, and dollar amount of the proposed stock or evidences of indebtedness to be authorized and shall indicate the purpose(s) to which the resulting proceeds shall be applied.
- 3502.2 Each application shall be accompanied by a draft certificate of authority, if required by D.C. Code § 43-701 et seq.
- 3502.3 Any Order issued by the Commission approving an application for issuance of stock or evidences of indebtedness shall be accompanied by a certificate if required by D.C. Code § 43-701 et seq.
- 3502.4 Any certificate issued by the Commission granting authority to issue stock or evidences of indebtedness shall specify that the grant of authority is valid for a period of three (3) years.
- 3502.5 A prior certificate of financing authority that has not yet expired shall be deemed revoked upon approval of a new application for authority to issue stock or evidences of indebtedness.

SOURCE: Final Rulemaking published at 47 DCR 8202 (October 13, 2000).

**3503 ADDITIONAL PROCEDURES FOR TARIFF ISSUANCE
 OR AMENDMENT**

3503.1 When an application to issue or amend a tariff involves a change in conditions or services such that the applicant is required to notify its ratepayers of the change pursuant to D.C. Code § 43-609, such notice shall be sent no later than the next billing period following the application filing date. The application shall include a statement certifying that this notice was or will be sent by the end of the next billing period following the application filing date, identifying the date(s) the notice was or will be sent.

SOURCE: Final Rulemaking published at 47 DCR 8202 (October 13, 2000); as amended by Final Rulemaking published at 47 DCR 9890 (December 15, 2000).

3504 WAIVER

3504.1 The Commission may, for good cause, waive any rule under Chapter 35 unless the rule contains a provision that is expressly required by statute.

SOURCE: Final Rulemaking published at 47 DCR 8202 (October 13, 2000).

3505 DEFINITIONS

Applicant – means entity regulated by the Commission that applies for authority to issue or amend tariffs or issue stocks or other evidences of indebtedness that are payable in more than one year pursuant to this Chapter.

Application – means the application for authority to issue or amend tariffs or issue stocks or other evidence of indebtedness filed pursuant to this Chapter.

Application filing date – means the date upon which an application for review of tariff issuance or amendment or issuance of stock or evidences of indebtedness is filed with the Commission.

Commission – means the Public Service Commission of the District of Columbia.

Competitive local exchange carrier – means a provider of telecommunications service that was not an incumbent local exchange carrier on January 31, 1996 but that is now certificated to provide local exchange service within the District.

Days – means calendar days, unless otherwise indicated in specific sections.

Incumbent local exchange carrier – means, with respect to an area, the local exchange carrier that provided local exchange service in such an area on the date of enactment of the federal Telecommunications Act of 1996 (P.L. 104-104).

Local exchange carrier – means any person or entity that is engaged in the provision of telephone exchange service or exchange access. The term does not include a person or entity insofar as the person or entity is engaged in the provision of commercial mobile service.

Local exchange service – means a telecommunications service provided within an exchange area.

Objection – means the written statement filed to oppose the use of this Chapter to review an application.

Party – means an individual, corporation, partnership, or association.

Publication date – means the date the application is published in the *D.C. Register*.

SOURCE: Final Rulemaking published at 47 DCR 8202 (October 13, 2000).