

ENGROSSED ORIGINAL

1 A BILL
2

3 22-184
4

5 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
6
7 _____
8

9 To amend the Electric Company Infrastructure Improvement Financing Act of 2014 to authorize
10 the collection and use by the District of Columbia and the electric company of certain
11 charges to finance the undergrounding of certain electric power lines and ancillary
12 facilities, and to repeal Title II.
13

14 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
15 act may be cited as the “Electric Company Infrastructure Improvement Financing Amendment
16 Act of 2017”.

17 Sec. 2. The Electric Company Infrastructure Improvement Financing Act of 2014,
18 effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1311 *et seq.*), is amended as
19 follows:

20 (a) Section 101 (D.C. Official Code § 34-1311.01) is amended as follows:

21 (1) Paragraphs (1), (2), (3), (4), (6), and (8) are repealed.

22 (2) Paragraph (10) is amended as follows:

23 (A) Strike the phrase “conduits and duct banks for the distribution of
24 electricity within the District,” and insert the phrase “conduits, duct banks” in its place.

25 (B) Strike the phrase “similar facilities” and insert the phrase “similar
26 facilities for the distribution of electricity within the District” in its place.

27 (3) Paragraph (12) is amended by striking the phrase “financing costs, to fund

ENGROSSED ORIGINAL

28 any required reserves with respect to the Bonds and to maintain any coverage ratios required by
29 the financing documents” and inserting the phrase “DDOT Underground Electric Company
30 Infrastructure Improvement Costs for the applicable year” in its place.

31 (4) Paragraph (13) is amended to read as follows:

32 “(13) “DDOT Underground Electric Company Infrastructure Improvement
33 Charge” means a charge imposed by the District on the electric company pursuant to a financing
34 order issued by the Commission, which charge shall be used by the District to pay the DDOT
35 Underground Electric Company Infrastructure Improvement Costs.”.

36 (5) Paragraph (14) is amended by striking the phrase “construction plans,” and
37 inserting the phrase “construction plans, contingency for the cost to complete and place in
38 service the electric plant to be installed in the applicable biennial Underground Infrastructure
39 Improvement Projects Plan,” in its place.

40 (6) A new paragraph (14A) is added to read as follows;

41 “(14A) “DDOT Underground Electric Company Infrastructure Improvement
42 Fund” means the fund established by section 304.”.

43 (7) Paragraphs (15), (16), and (17) are repealed.

44 (8) Paragraph (19) is amended as follows:

45 (A) Strike the phrase “including the electric company’s portion of
46 conduit” and insert the phrase “that may include underground conduit and duct banks for the
47 distribution of electricity within the District, electrical vaults, manholes, transformers and
48 transformer pads and other ancillary electric distribution infrastructure to be procured,

ENGROSSED ORIGINAL

49 constructed or installed by the electric company and” in its place.

50 (B) Strike the phrase “Improvements that is required” and insert the
51 phrase “Improvements (except as otherwise approved by the Commission), that is included in a
52 biennial Underground Infrastructure Improvement Projects Plan approved by the Commission,
53 and that is required” in its place.

54 (9) Paragraph (21) is amended by striking the phrase “ Activity, and” and
55 inserting the phrase “Activity, and contingency for the cost to complete and place in service the
56 electric plant to be installed in the applicable biennial Underground Infrastructure Improvement
57 Projects Plan, and” in its place.

58 (10) Paragraph (24) is amended to read as follows:

59 “(24) “Financial advisor” means an entity whose services were retained by the
60 Commission on July 31, 2014, as may be extended by the Commission from time to time, to
61 assist the Commission in the issuance, amendment, or administration of a financing order, and
62 any successor or replacement of the entity.

63 (11) Paragraphs (25) and (26) are repealed.

64 (12) Paragraph (27) is amended as follows:

65 (A) Strike the phrase “creation of the DDOT Underground Electric
66 Company Infrastructure Improvement Property and the imposition and periodic true up” and
67 insert the word “imposition” in its place.

68 (C) Strike the phrase “Charges.” and insert the phrase “Charges and the
69 imposition and periodic true-up of the Underground Rider.” in its place.

ENGROSSED ORIGINAL

70 (13) Paragraph (31) is repealed.

71 (14) Paragraph (35) is repealed.

72 (15) Paragraphs (39) and (40) are repealed.

73 (16) Paragraph (41) is amended by striking the phrase “Activity to be
74 undertaken” and inserting the phrase “Activity planned to be undertaken in a 2-year period,
75 which may be amended from time to time with the approval of the Commission” in its place.

76 (17) Paragraph (42) is amended as follows:

77 (A) Strike the word “certain” and insert the phrase “all distribution
78 service” in its place.

79 (B) Strike the phrase “electric company for” and insert the phrase
80 “electric company (except for customers served under the electric company’s residential aid
81 discount or a succeeding discount program) for” in its place.

82 (18) A new paragraph (42A) is added to read as follows:

83 “(42A) “Underground Rider” means an annually adjusted rider to the electric
84 company’s volumetric distribution service rates paid by all distribution service customers of the
85 electric company (except for customers served under the electric company’s residential aid
86 discount or a succeeding discount program) for its recovery of an amount equal to the aggregate
87 of the DDOT Underground Electric Company Infrastructure Improvement Charges.”.

88 (19) Paragraph (43) is repealed.

89 (b) Section 102 (D.C. Official Code § 34-1311.02) is amended as follows:

90 (1) Paragraph (1) is amended by striking the phrase “users of electricity.” and

ENGROSSED ORIGINAL

91 inserting the phrase “users of electricity, and has otherwise adversely affected the general
92 welfare of the public.” in its place.

93 (2) Paragraph (2) is amended as follows:

94 (A) Strike the phrase “resiliency, reliability” and insert the word
95 “resiliency” in its place.

96 (B) Strike the phrase “impacts on the District’s electricity users caused by
97 repeated power outages.” and insert the phrase “impacts caused by repeated power outages on
98 the District’s residents, businesses, workers and visitors.” in its place.

99 (3) Paragraphs (3) and (4) are repealed.

100 (4) Paragraph (5) is amended to read as follows:

101 “(5) Electric system modernization will require an unprecedented investment in
102 the electric distribution infrastructure in the District.”.

103 (5) Paragraph (7) is amended as follows:

104 (A) Strike the phrase “recovered through” and insert the phrase “paid by
105 the District from” in its place.

106 (B) Strike the phrase “Charge or the Underground” and the phrase
107 “Charge or recovered by the electric company through the Underground” in its place.

108 (6) Paragraph (8) is amended as follows:

109 (A) Strike the phrase “and June 30th thereafter until December 31, 2027,
110 or the sooner” and insert the phrase “thereafter until the” in its place.

111 (B) Strike the phrase “award construction contract” and insert the phrase

ENGROSSED ORIGINAL

112 “to award construction contracts” in its place.

113 (c) Title II (D.C. Official Code §§ 34-1312.01 through 34-1312.12) is repealed.

114 (d) Sections 301, 302, 303, and 304 (D.C. Official Code §§ 34-1313.01, 34-1313.02, 34-
115 1313.03, and 34-1313.04) are amended to read as follows:

116 “Sec. 301. Commission authorizations.

117 “(a) The Commission is authorized to issue financing orders upon application by the
118 electric company. The Commission may include its financing order as part of its order issued
119 with respect to a biennial Underground Infrastructure Improvement Projects Plan. All financing
120 orders, among their other provisions, shall:

121 “(1) Describe the DDOT Underground Electric Infrastructure Improvement
122 Activities to be paid through the DDOT Underground Electric Company Infrastructure
123 Improvement Charge for the next 2-year period;

124 “(2)(A) Assess the DDOT Underground Electric Company Infrastructure
125 Improvement Charge on the electric company for the next 2-year period sufficient to fully satisfy
126 the DDOT Underground Electric Company Infrastructure Annual Revenue Requirement to
127 enable DDOT Underground Electric Company Infrastructure Improvement Activity to be
128 undertaken in the next 2-year period plus an amount necessary to recover any DDOT
129 Underground Electric Company Infrastructure Improvement Costs incurred by DDOT but not
130 reimbursed through prior collections of the DDOT Underground Electric Company Infrastructure
131 Improvement Charge; provided, that the DDOT Underground Electric Company Infrastructure
132 Charges approved by the Commission under this act shall not exceed \$187.5 million in the

ENGROSSED ORIGINAL

133 aggregate; provided further, that any amounts collected with respect to the DDOT Underground
134 Electric Company Infrastructure Improvement Charge and not expended for DDOT
135 Underground Electric Company Infrastructure Improvement Costs as contemplated by this act
136 shall be refunded to the electric company and thereafter credited to customers as the Commission
137 may direct; and

138 “(B) By the 10th day of each month during the applicable 2-year period, the
139 electric company shall remit a payment equal to 1/24 of the DDOT Underground Electric
140 Company Infrastructure Improvement Charges approved for the applicable 2-year period
141 pursuant to the financing order to the DDOT Underground Electric Company Infrastructure
142 Improvement Fund established pursuant to section 304;

143 “(3) Assess the Underground Rider for the next 2-year period among the
144 distribution service customer classes of the electric company in accordance with the distribution
145 service customer class cost allocations approved by the Commission for the electric company
146 and in effect pursuant to the electric company’s most recently decided base rate case, in an
147 amount sufficient for the electric company to recover the DDOT Underground Electric Company
148 Infrastructure Charge; provided, that no such charges shall be assessed against the electric
149 company's residential aid discount customer class or any succeeding customer class approved by
150 the Commission for the purpose of providing economic relief to a specified low-income
151 customer class; provided further, that the Underground Rider shall be billed to customers by the
152 electric company on a volumetric basis;

153 “(4) Describe the true-up mechanism as provided in section 312 to reconcile

ENGROSSED ORIGINAL

154 actual collections of the Underground Rider with forecasted collection on at least an annual basis
155 to ensure that the collections of the Underground Rider are adequate for the electric company to
156 recover an amount equal to the aggregate amount of the DDOT Electric Company Infrastructure
157 Improvement Charges;

158 “(5) Prescribe the filing of billing and collection reports relating to the DDOT
159 Underground Electric Company Infrastructure Improvement Charges and the Underground
160 Rider; and

161 “(6) Consistent with this act, contain such other findings, determinations, and
162 authorizations as the Commission considers necessary or appropriate.

163 “(b) All financing orders shall be operative and in full force and effect from the time
164 fixed for them to become effective by the Commission.

165 “(c) The financing order shall provide that except to implement any true-up mechanism
166 as required by section 312, the Commission may not reduce, impair, postpone, terminate, or
167 otherwise adjust the Underground Rider approved in the financing order unless it has similarly
168 adjusted the DDOT Underground Electric Company Infrastructure Improvement Charges by an
169 equal amount.

170 “(d) The electric company shall have no liability or obligation with respect to the DDOT
171 Underground Electric Company Infrastructure Improvement Charge except for the 2-year period
172 that is the subject of the financing order then in effect.

173 “Sec. 302. Application for financing order.

174 “(a) The electric company may include its application for a financing order as part of its

ENGROSSED ORIGINAL

175 application for approval of a biennial Underground Infrastructure Improvement Projects Plan.

176 “(b) Concurrently with each application filed for approval of a biennial Underground
177 Infrastructure Improvement Projects Plan, the electric company shall file for the Commission’s
178 consideration and decision an application for a financing order for the 2-year period
179 corresponding to the biennial Underground Infrastructure Improvement Projects Plan. The
180 financing order application and all subsequent applications by the electric company for a
181 financing order shall contain:

182 “(1) The DDOT Underground Electric Company Infrastructure Improvement
183 Charges for the next 2-year period;

184 “(2) A calculation by the electric company of the Underground Rider by
185 distribution service customer class estimated to be sufficient to generate an amount equal to the
186 DDOT Underground Electric Company Infrastructure Improvement Charges for the next 2-year
187 period; and

188 “(3) A proposed form of public notice of the application suitable for publication
189 by the Commission; which notice may be combined with the form of public notice for the
190 application for approval of the biennial Underground Infrastructure Improvement Projects Plan.

191 “Sec. 303. Consideration of applications; financing order.

192 “(a)(1)(A) The Commission shall publish notice to the public of the application before
193 deciding upon an application for a financing order and provide for a period of no less than 14
194 days for public comment and filing of motions to intervene.

195 “(B) The electric company shall provide notice of the application as

ENGROSSED ORIGINAL

196 provided in section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-909), as
197 that section reads as of the effective date of this act or as amended or superseded.

198 “(2) The District, OPC, and DDOT shall each be a party to the Commission
199 proceeding on the application,as a matter of right.

200 “(3)(A) Any other person desiring to be heard on the application shall file a
201 motion to intervene with the Commission requesting to be made a party to the proceeding.

202 “(B) The applicant and any party to the proceeding may file an answer or
203 oppose the granting of the motion.

204 “(C) The Commission shall, by order, approve or deny the motion at its
205 reasonable discretion.

206 “(b)(1) The Commission shall decide upon an application for a financing order based
207 upon the pleadings in the matter and, if no protest or objection is filed in response to the
208 Commission’s public notice of the application, at its discretion, without a hearing.

209 “(2) A formal evidentiary hearing shall be required only if contested issues of
210 material fact are present and those issues cannot be resolved by the Commission based on the
211 pleadings and discovery responses filed, if any, in the matter. Except as provided in paragraph
212 (3) of this subsection, the Commission may approve, approve with condition, modify, or reject
213 the application in whole or in part, as it considers necessary and appropriate.

214 “(3) The Commission may not approve the DDOT Underground Electric
215 Company Infrastructure Improvement Charges unless it shall have also approved the
216 Underground Rider in an amount reasonably expected to generate sufficient revenues to permit

ENGROSSED ORIGINAL

217 the electric company to recover the DDOT Underground Electric Company Infrastructure
218 Improvement Charges.

219 “(c) The Commission is authorized to issue a financing order if the Commission finds
220 that the projected DDOT Underground Electric Company Infrastructure Improvement Costs to
221 be funded by the DDOT Underground Electric Company Infrastructure Improvement Charges
222 are prudent and that the amount of the DDOT Underground Electric Company Infrastructure
223 Improvement Charges is reasonable and that the Underground Rider reasonably can be expected
224 to generate sufficient revenues to permit the electric company to recover the DDOT
225 Underground Electric Company Infrastructure Improvement Charges.

226 “(d)(1) The Commission shall expedite its consideration of applications for financing
227 orders.

228 “(2) The Commission shall issue its decision on the electric company's application no
229 later than 60 days following the closing of the period for public comment upon the application;
230 provided, that if a protest or objection to the application that can be resolved without an
231 evidentiary hearing is timely filed with the Commission, the period for the Commission's
232 decision shall be extended by an additional 15 days; provided further, that the time may be tolled
233 at the Commission's reasonable discretion for periods in which it determines the electric
234 company's application is deficient.

235 “(3) In the event that an evidentiary hearing is required, the Commission shall issue
236 a decision no more than 60 days following the close of the hearing record.

237 “(e)(1) The Commission is authorized to retain the services of a financial advisor to assist

ENGROSSED ORIGINAL

238 in its consideration of an application for a financing order, and in the formulation and
239 administration of a financing order.

240 “(2) Notwithstanding section 8(a)(3) of the Public Utilities Commission Act (D.C.
241 Official Code § 34-912(a)(3)), the Commission shall pay the financial advisor amounts due from
242 the Public Service Commission Agency Fund pursuant to section 8 of the Public Utilities
243 Commission Act (D.C. Official Code § 34-912), with any subsequent amounts due to the
244 financial advisor paid in accordance with this act.”.

245 “Sec. 304. DDOT Underground Electric Company Infrastructure Improvement Fund.

246 “(a) There is established as a special fund the DDOT Underground Electric Company
247 Infrastructure Improvement Fund, which shall be held by the Chief Financial Officer but
248 administered by the Director of DDOT in accordance with subsection (c) of this section.

249 “(b) All payments from the electric company of the DDOT Underground Electric
250 Company Infrastructure Improvement Charges shall be deposited in the DDOT Underground
251 Electric Company Infrastructure Improvement Fund.

252 “(c) The DDOT Underground Electric Company Infrastructure Improvement Fund shall
253 be used solely to pay for DDOT Underground Electric Company Infrastructure Improvement
254 Costs.

255 “(d) The money deposited into the DDOT Underground Electric Company Infrastructure
256 Improvement Fund, and interest earned thereon, shall not revert to the unrestricted fund balance
257 of the General Fund of the District of Columbia at the end of the fiscal year, or at any other time.

258 “(e) Subject to authorization in an approved budget and financial plan, any funds in the

ENGROSSED ORIGINAL

259 DDOT Underground Electric Company Infrastructure Improvement Fund shall be continually
260 available for the purposes specified in this section without regard to fiscal year limitation.”.

261 (e) Sections 305 and 306 (D.C. Official Code §§ 34-1313.05 and 34-1313.06) are
262 repealed.

263 (f) A new section 306a is added to read as follows:

264 “Sec. 306a. Commission’s authority to terminate.

265 “Notwithstanding any other provision of law, the Commission shall have the authority to
266 terminate any financing order issued in Formal Case No. 1121 prior to the effective date of the
267 Electric Company Infrastructure Improvement Financing Amendment Act of 2017, as introduced
268 on March 6, 2017 (Bill 22-184); provided, that no bonds have been issued pursuant to such
269 financing order.”.

270 (g) Section 307 (D.C. Official Code §34-1313.07) is amended as follows:

271 (1) Subsection (a) is amended to read as follows:

272 “(a) Within 45 days of the effective date of the Electric Company Infrastructure
273 Improvement Financing Amendment Act of 2017, as introduced on March 6, 2017 (Bill 22-184),
274 and, except as provided in subsection (d) of this section, every 2 years thereafter, the electric
275 company and DDOT shall jointly file with the Commission and concurrently serve upon OPC an
276 application for approval of their biennial Underground Infrastructure Improvement Projects
277 Plan.”.

278 (2) Subsection (b) is amended by striking the word “triennial” both times it
279 appears and inserting the word “biennial” in its place.

ENGROSSED ORIGINAL

280 (3) Subsection (c) is amended as follows:

281 (A) Strike the word “triennial” and insert the word “biennial” in its place.

282 (B) Strike the phrase “Plan.” and insert the phrase “Plan; provided, that

283 no such charges shall be assessed against customers served under the electric company’s

284 residential aid discount or a succeeding discount program.” in its place.

285 (4) A new subsection (d) is added to read as follows:

286 “(d) The Commission, on its own motion or upon motion of the electric company, the

287 District, OPC, or DDOT, or other person made a party pursuant to section 303(a)(3), may hold in

288 abeyance or waive the obligation to file an application for approval of a biennial Underground

289 Infrastructure Improvement Project Plan and an application for a financing order for the

290 corresponding period upon a finding of good cause as necessary or desirable:

291 “(1) To protect public safety;

292 “(2) To avoid or minimize unreasonable project costs;

293 “(3) Because additional DDOT Underground Electric Company Infrastructure

294 Improvement Activity or Electric Company Infrastructure Improvement Activity are unnecessary

295 to meet the purposes of this act;

296 “(4) Because the electric company’s liability with respect to the DDOT

297 Underground Electric Company Infrastructure Improvement Charges can reasonably be

298 demonstrated to contribute materially to an adverse credit action by a rating agency, including a

299 down grade or placement on credit watch; or

300 “(5) To otherwise promote the public interest.”.

ENGROSSED ORIGINAL

301 (h) Section 308 (D.C. Official Code § 34-1313.08) is amended as follows:

302 (1) Subsection (a) is amended as follows:

303 (A) The lead-in text is amended by striking the word “triennial” and
304 inserting the word “biennial” in its place.

305 (B) Paragraph (1)(A) is amended by striking the phrase “3 years,” and
306 inserting the phrase “3 calendar years,” in its place.

307 (C) Paragraph (2) is amended by striking the phrase “interruptions
308 (inclusive” and inserting the phrase “interruptions that affect the public welfare (inclusive” in its
309 place.

310 (D) Paragraph (3) is amended as follows:

311 (i) Strike the phrase “company as follows:” and insert the phrase
312 “company or DDOT, as applicable, as follows:” in its place.

313 (ii) Subparagraph (E) is amended by striking the phrase “funded
314 by DDOT” and inserting the phrase “funded by the Underground Project Charge and DDOT” in
315 its place.

316 (iii) Subparagraph (G) is amended by striking the word “and”.

317 (iv) Subparagraph (H) is amended by striking the period and
318 inserting the phrase “; and” in its place.

319 (v) A new subparagraph (I) is added to read as follows:

320 “(I) A status report and explanation of the reasons why DDOT
321 Underground Electric Company Infrastructure Improvement Activity or Electric Company

ENGROSSED ORIGINAL

322 Infrastructure Improvement Activity associated with projects contained in a biennial
323 Underground Infrastructure Projects Plan previously approved by the Commission have not been
324 completed and the date upon which the projects are expected to be completed.”.

325 (2) Subsection (b) is amended as follows:

326 (A) The lead-in text is amended by striking the phrase “after the
327 Underground” and inserting the phrase “after the biennial Underground” in its place.

328 (B) Paragraph (2) is amended by striking the word “and” at the end.

329 (C) Paragraph (3) is amended by striking the period and inserting the
330 phrase “; and” in its place.

331 (D) A new paragraph (4) is added to read as follows:

332 “(4) The ability to complete and place in service the feeder circuits to be
333 undergrounded pursuant to the biennial Underground Infrastructure Improvement Projects Plan
334 from funding generated by the DDOT Underground Electric Company Infrastructure
335 Improvement Charges and the Underground Project Charge for the corresponding plan period.”.

336 (3) Subsection (c) is amended as follows:

337 (A) The lead-in text is amended by striking the phrase “for the
338 Underground” and inserting the phrase “for the biennial Underground” in its place.

339 (B) Paragraph (1) is amended by striking the phrase “costs shown” and
340 inserting the phrase “costs that correspond with an itemized list of the Electric Company
341 Infrastructure Investment Activity shown” in its place.

342 (C) Paragraph (2) is amended by striking the phrase “Costs;” and

ENGROSSED ORIGINAL

343 inserting the phrase “Costs that correspond with an itemized list of the DDOT Underground
344 Electric Company Infrastructure Improvement Activity;” in its place.

345 (D) Paragraph (4) is amended by striking the word “annual” and inserting
346 the word “biennial” in its place.

347 (E) Paragraph (6)(A)(iv) is amended as follows:

348 (i) Strike the phrase “requirement, rate of” and insert the phrase
349 “requirement, including the rate of” in its place.

350 (ii) Strike the phrase “rate base” and insert the phrase “base rate”
351 in its place.

352 (4) Subsection (d) is amended by striking the word “customer”.

353 (i) Section 309 (D.C. Official Code § 34-313.09) is amended as follows;

354 (1) Subsection (a)(1) is amended as follows:

355 “(A) Strike word “triennial” and insert the word “biennial” in its place.

356 “(B) Strike the phrase “to its customers in the District”.

357 (2) Subsections (b), (c), and (d) are amended by striking the word “triennial”
358 wherever it appears and inserting the word “biennial” in its place.

359 (j) Section 310 (D.C. Official Code § 34-1313.10) is amended as follows:

360 (1) Subsection (a) is amended by striking word “triennial” both times it appears
361 and inserting the word “biennial” in its place.

362 (2) Subsection (c) is amended as follows:

363 (A) Paragraph (2) is amended as follows:

ENGROSSED ORIGINAL

364 (i) Strike the phrase “Charges to customers” and insert the phrase
365 “Charges to distribution service customers” in its place.

366 (ii) Strike the phrase “surcharge;” and insert the phrase
367 “surcharge; provided, that no such charges shall be assessed against customers served under the
368 electric company’s residential aid discount or a succeeding discount program;” in its place.

369 (B) Paragraph (3) is amended by striking the phrase “rate base” and
370 inserting the phrase “base rate” in its place.

371 (3) Subsection (d) is amended as follows:

372 (A) Strike the phrase “\$500 million” and insert the phrase “\$250 million”
373 in its place.

374 (B) Strike the phrase “Commission, included” and insert the phrase
375 “Commission in the most recently decided base rate case, included” in its place.

376 (k) Section 311(D.C. Official Code § 34-1313.11) is amended by adding a new
377 subsection (c) to read as follows:

378 “(c) The transfer of real and personal property between the electric company and the
379 District, including DDOT or any other District agency and instrumentality, pursuant to section
380 311(a) or which is included in, or forms a part of, the DDOT Underground Electric Company
381 Infrastructure Improvements shall be exempt from all taxes imposed by the District that relate to
382 the transfer of real or personal property, including, as any may be amended from time to time,
383 the:

384 “(1) Transfer tax imposed under D.C. Official Code § 47-903;

ENGROSSED ORIGINAL

385 “(2) Recordation tax imposed under section 303 of the District of Columbia
386 Deed Recordation Tax Act, approved March 2, 1962 (D.C. Law 13-96; D.C. Official Code § 42-
387 1103);

388 “(3) Sales tax imposed under D.C. Official Code § 47-2002; and

389 “(4) Use tax imposed under D.C. Official Code § 47-2202.”.

390 (1) Section 312 (D.C. Official Code § 34-1313.12) is amended as follows:

391 (1) The heading is amended by striking the phrase “Plan.” and inserting the
392 phrase “Plan and financing order.” in its place.

393 (2) The existing text is designated subsection (a).

394 (3) A new subsection (b) is added to read as follows:

395 “(b) In addition to the requirements of subsection (a) of this section, an
396 application to amend an existing Underground Infrastructure Improvement Projects Plan shall
397 request any amendment to the Commission’s financing order for the corresponding period such
398 that the work, surcharges and riders, and other contents of the financing order, as amended, are
399 coordinated with the Underground Infrastructure Improvement Projects Plan, as amended.”.

400 (m) Section 313 (D.C. Official Code § 34-1313.13) is amended as follows:

401 (1) The heading is amended by striking the phrase “Charges.” And inserting the
402 phrase “Charges, financing order.” in its place

403 (2) The text is amended as follows:

404 (A) Strike the phrase “section 308(c).” and insert the phrase “section
405 308(c) and, with respect to the financing order for the corresponding period, shall include the

ENGROSSED ORIGINAL

406 information required pursuant to section 302.” in its place.

407 (B) The second sentence is amended to read as follows:

408 “The application to amend shall apply only to future Underground Project Charges and the
409 future Underground Rider. Any approval of an application to amend shall allow for recovery by
410 the electric company through:

411 “(a) Underground Project Charges of any prudent and reasonable expenses or costs
412 for any project previously approved by the Commission; and

413 “(b) The Underground Rider, any amounts paid with respect to DDOT
414 Underground Electric Company Infrastructure Improvement Charges.”.

415 (n) Section 314 (D.C. Official Code §34-1313.14) is amended as follows:

416 (1) The heading is amended by striking the phrase “DDOT Underground Electric
417 Company Infrastructure Improvement Charge” and inserting the phrase “the Underground Rider”
418 in its place.

419 (2) Subsection (a) is amended to read as follows:

420 “(a) The electric company shall not file a request for approval of a schedule applying the
421 true-up mechanism to the Underground Rider with the Commission more frequently than twice
422 per year.”.

423 (3) Subsection (b) is amended as follows:

424 (A) Paragraph (1) is amended by striking the phrase “DDOT
425 Underground Electric Company Infrastructure Improvement Charges” and inserting the phrase
426 “the Underground Rider” in its place.

ENGROSSED ORIGINAL

427 (B) Paragraphs (2) and (3) are amended to read as follows:

428 “(2) Billing and collection data that show the proposed adjustment is expected
429 to generate payments that will permit the electric company to recover an amount equal to the
430 aggregate amount of the DDOT Underground Electric Company Infrastructure Improvement
431 Charges adjusted for any over-collection or under-collection through the prior year under the
432 Underground Rider;

433 “(3) A showing that the proposed adjustment is expected to result in neither a net
434 over-collection nor under-collection by the electric company of an amount equal to the aggregate
435 of the DDOT Underground Electric Company Infrastructure Improvement Charges through the
436 Underground Rider; and”.

437 (C) Paragraph (4) is amended by striking the phrase “and disbursements
438 of” and inserting the phrase “of the Underground Rider and payment of” in its place.

439 (4) Subsection (c) is amended by striking the phrase “DDOT Underground
440 Electric Company Infrastructure Improvement Charges” and inserting the phrase “Underground
441 Rider” in its place.

442 (5) Subsection (d) is amended by striking the phrase “DDOT Underground
443 Electric Company Infrastructure Improvement Charges” both times it appears and inserting the
444 phrase “Underground Rider” in its place.

445 (6) Subsection (e) is amended to read as follows.

446 “(e) Notwithstanding any other provision of this act, if the electric company has not
447 recovered the full amount of the aggregate DDOT Underground Electric Company Infrastructure

ENGROSSED ORIGINAL

448 Improvement Charges that it has paid, the Underground Rider shall continue to be collected until
449 the electric company has recovered the full amount even if there is no current biennial
450 Underground Infrastructure Improvement Projects Plan in effect.”.

451 (7) A new subsection (f) is added to read as follows:

452 “(f)(1) In conducting the true-up, the recovery for the under-collection of the DDOT
453 Underground Electric Company Infrastructure Improvement Charges through the Underground
454 Rider shall be allocated to each customer class in the proportion to which the customer class
455 contributed to the under-collection of the DDOT Underground Electric Company Infrastructure
456 Improvement Charges.

457 “(2) Nothing in the operation of the true-up shall be deemed to violate the
458 requirement of this act that the Underground Rider be non-bypassable.”.

459 (o) Section 315 (D.C. Official Code § 34-1313.15) is amended as follows:

460 (1) Subsection (a) is amended by striking the word “triennial” and inserting the
461 word “biennial” in its place.

462 (2) Subsection (b) is amended by striking the phrase “to its customers”.

463 (3) Subsection (c)(5) is amended by striking the phrase “Commission in the” and
464 inserting the phrase “Commission for the electric company and in the” in its place.

465 (p) Section 319 (D.C. Official Code § 34-1313.19) is amended as follows:

466 (1) Subsection (a) is amended as follows:

467 (A) Paragraph (1) is amended as follows:

468 (i) The lead-in text is amended by striking the year “2019” and

ENGROSSED ORIGINAL

469 inserting the year “2022” in its place.

470 (ii) Subparagraph (C) is amended as follows:

471 (I) Strike the phrase “DDOT Underground Electric
472 Company Infrastructure Improvement Charges” and insert the phrase “Underground Rider” in its
473 place.

474 (II) Add a comma after the phrase “residential customers”.

475 (III) Strike the phrase the phrase “implications of the
476 Underground” and insert the phrase “implications of the Underground Rider and the
477 Underground” in its place.

478 (ii) A new subparagraph (C-1) is added to read as follows:

479 “(C-1) Evaluates whether the impact of the DDOT Underground Electric
480 Company Infrastructure Improvement Activity and the Electric Company Infrastructure
481 Improvement Activity otherwise is in the public interest; and”

482 (iii) Subparagraph (D) is amended as follows:

483 (I) Sub-subparagraph (i) is repealed.

484 (II) Sub-subparagraph (ii) is amended to read as follows:

485 “(ii) Adjust the limit of the electric company's investment to be
486 recovered through the Underground Project Charges as set forth in section 310(d);”.

487 (iii) A new sub-subparagraph (ii-I) is added to read as follows:

488 “(ii-I) Adjust the limit of the DDOT Underground Electric
489 Company Infrastructure Charges as set forth in section 301(a)(2); or”.

ENGROSSED ORIGINAL

490 (B) Paragraph (2) is repealed.

491 (C) Paragraph (3) is amended to read as follows:

492 “(3) The report required by paragraph (1) of this subsection shall include any
493 separate statements of the Mayor, Commission, OPC, or the electric company that the Mayor,
494 Commission, OPC, or the electric company requests be included in the report.”.

495 (2) Subsection (b) is amended as follows:

496 (A) Strike the word “reports” and insert the word “report” in its place.

497 (B) Strike the phrase “each report” and insert the phrase “the report” in its
498 place.

499 Sec. 3. Applicability.

500 (a) Section 301 of the Electric Company Infrastructure Improvement Financing Act of
501 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1313.01), as amended
502 by section 2(d) of this act, and section 310 of the Electric Company Infrastructure Improvement
503 Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-
504 1313.10), as amended by section 2(j) this act, shall apply upon the inclusion of their fiscal effect
505 upon the District government in an approved budget and financial plan.

506 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
507 an approved budget and financial plan, and provide notice to the Budget Director of the Council
508 of the certification.

509 (c)(1) The Budget Director shall cause the notice of the certification to be published in the
510 District of Columbia Register.

ENGROSSED ORIGINAL

511 (2) The date of publication of the notice of the certification shall not affect the applicability
512 of this act.

513 Sec. 4. Fiscal impact statement.

514 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
515 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
516 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

517 Sec. 5. Effective date.

518 This act shall take effect following approval by the Mayor (or in the event of veto by the
519 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
520 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
521 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c) (1)), and publication in the District of
522 Columbia Register.