

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Electric Company Infrastructure Improvement Financing Act of 2014 to authorize the collection and use by the District of Columbia and the electric company of certain charges to finance the undergrounding of certain electric power lines and ancillary facilities, and to repeal Title II of that act, which provided authorization for the issuance of bonds; and to amend the District of Columbia Recordation Tax Act and sections 47-902, 47-2005, and 47-2206 of the District of Columbia Official Code to make conforming amendments.

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

Sec. 2. The Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1311.01 *et seq.*), is amended as follows:

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

(1) Paragraphs (1), (2), (3), (4), (6), and (8) are repealed.

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

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

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

(3) Paragraph (12) is amended by striking the phrase “financing costs, to fund any required reserves with respect to the Bonds and to maintain any coverage ratios required by the financing documents” and inserting the phrase “DDOT Underground Electric Company Infrastructure Improvement Costs for the applicable year” in its place.

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

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

(5) Paragraph (14) is amended by striking the phrase “construction plans,” and inserting the phrase “construction plans, contingency for the cost to complete and place in

service the electric plant to be installed in the applicable biennial Underground Infrastructure Improvement Projects Plan,” in its place.

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

“(14A) “DDOT Underground Electric Company Infrastructure Improvement Fund” means the fund established by section 303a.”.

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

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

(A) Strike the phrase “including the electric company’s portion of conduit” and insert the phrase “that may include underground conduit and duct banks for the distribution of electricity within the District, electrical vaults, manholes, transformers and transformer pads, and other ancillary electric distribution infrastructure to be procured, constructed, or installed by the electric company and” in its place.

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

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

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

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

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

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

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

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

(13) Paragraph (31) is repealed.

(14) Paragraph (35) is repealed.

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

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

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

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

(B) Strike the phrase “electric company for” and insert the phrase “electric company (except for customers served under the electric company’s residential aid

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discount or a succeeding discount program) for” in its place.

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

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

(19) Paragraph (43) is repealed.

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

(1) Paragraph (1) is amended by striking the phrase “users of electricity.” and inserting the phrase “users of electricity, and has otherwise adversely affected the general welfare of the public.” in its place.

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

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

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

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

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

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

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

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

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

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

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

(B) Strike the phrase “award construction contract” and insert the phrase “to award construction contracts” in its place.

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

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

“Sec. 301. Commission authorizations.

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

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

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“(2)(A) Assess the DDOT Underground Electric Company Infrastructure Improvement Charge on the electric company for the next 2-year period sufficient to fully satisfy the DDOT Underground Electric Company Infrastructure Annual Revenue Requirement to enable DDOT Underground Electric Company Infrastructure Improvement Activity to be undertaken in the next 2-year period plus an amount necessary to recover any DDOT Underground Electric Company Infrastructure Improvement Costs incurred by DDOT but not reimbursed through prior collections of the DDOT Underground Electric Company Infrastructure Improvement Charge; provided, that the DDOT Underground Electric Company Infrastructure Charges approved by the Commission under this act shall not exceed \$187.5 million in the aggregate; provided further, that any amounts collected with respect to the DDOT Underground Electric Company Infrastructure Improvement Charge and not expended for DDOT Underground Electric Company Infrastructure Improvement Costs as contemplated by this act shall be refunded to the electric company and thereafter credited to customers as the Commission may direct; and

“(B) By the 10th day of each month during the applicable 2-year period, the electric company shall remit a payment equal to 1/24 of the DDOT Underground Electric Company Infrastructure Improvement Charges approved for the applicable 2-year period pursuant to the financing order to the DDOT Underground Electric Company Infrastructure Improvement Fund established pursuant to section 303a;

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

“(4) Describe the true-up mechanism as provided in section 312 to reconcile actual collections of the Underground Rider with forecasted collection on at least an annual basis to ensure that the collections of the Underground Rider are adequate for the electric company to recover an amount equal to the aggregate amount of the DDOT Electric Company Infrastructure Improvement Charges;

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

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

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

“(c) The financing order shall provide that except to implement any true-up mechanism as required by section 312, the Commission may not reduce, impair, postpone, terminate, or

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otherwise adjust the Underground Rider approved in the financing order unless it has similarly adjusted the DDOT Underground Electric Company Infrastructure Improvement Charges by an equal amount.

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

“Sec. 302. Application for financing order.

“(a) The electric company may include its application for a financing order as part of its application for approval of a biennial Underground Infrastructure Improvement Projects Plan.

“(b)(1) Concurrently with each application filed for approval of a biennial Underground Infrastructure Improvement Projects Plan, the electric company shall file for the Commission’s consideration and decision an application for a financing order for the 2-year period corresponding to the biennial Underground Infrastructure Improvement Projects Plan.

“(2) The financing order application and all subsequent applications by the electric company for a financing order shall contain:

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

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

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

“Sec. 303. Consideration of applications for a financing order.

“(a)(1)(A) The Commission shall publish notice to the public of an application for a financing order before deciding upon the application for a financing order and provide for a period of no less than 60 days after publication of the notice for public comment and 14 days after publication of the notice for filing of motions to intervene.

“(B) The electric company shall provide notice of the application as provided in section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-909), as that section reads as of the effective date of this act, or as amended or superseded.

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

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

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

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

“(b)(1) The Commission shall decide upon an application for a financing order based upon the pleadings in the matter and, if no protest or objection is filed in response to the

Commission's public notice of the application, at its discretion, without a hearing.

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

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

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

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

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

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

“(e)(1) The Commission is authorized to retain the services of a financial advisor to assist it in its consideration of an application for a financing order, and in the formulation and administration of a financing order.

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

(e) A new section 303a is added to read as follows:

“Sec. 303a. DDOT Underground Electric Company Infrastructure Improvement Fund.

“(a) There is established as a special fund the DDOT Underground Electric Company Infrastructure Improvement Fund (“Fund”), which shall be administered by the Director of DDOT in accordance with subsection (c) of this section.

“(b) All payments from the electric company of the DDOT Underground Electric

Company Infrastructure Improvement Charges shall be deposited in the Fund.

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

“(d) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(e) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

(f) Sections 304, 305, and 306 (D.C. Official Code §§ 34-1313.04, 34-1313.05, and 34-1313.06) are repealed.

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

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

“Notwithstanding any other provision of law, the Commission shall have the authority to terminate any financing order issued in Formal Case No. 1121 before the effective date of the Electric Company Infrastructure Improvement Financing Amendment Act of 2017, passed on 2nd reading on May 2, 2017 (Enrolled version of Bill 22-184); provided, that no bonds have been issued pursuant to such financing order.”.

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

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

“(a) Within 45 days after the effective date of the Electric Company Infrastructure Improvement Financing Amendment Act of 2017, passed on 2nd reading on May 2, 2017 (Enrolled version of Bill 22-184), and, except as provided in subsection (d) of this section, every 2 years thereafter, the electric company and DDOT shall jointly file with the Commission and concurrently serve upon OPC an application for approval of their biennial Underground Infrastructure Improvement Projects Plan.”.

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

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

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

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

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

“(d) The Commission, on its own motion or upon motion of the electric company, the District, OPC, or DDOT, or other person made a party pursuant to section 303(a)(3), may hold in abeyance or waive the obligation to file an application for approval of a biennial Underground Infrastructure Improvement Projects Plan and an application for a financing order for the corresponding period upon a finding of good cause as necessary or desirable:

“(1) To protect public safety;

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

“(3) Because additional DDOT Underground Electric Company Infrastructure Improvement Activity or Electric Company Infrastructure Improvement Activity is unnecessary to meet the purposes of this act;

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“(4) Because the electric company’s liability with respect to the DDOT Underground Electric Company Infrastructure Improvement Charges can reasonably be demonstrated to contribute materially to an adverse credit action by a rating agency, including a down grade or placement on credit watch; or

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

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

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

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

(B) Paragraph (1)(A) is amended by striking the phrase “District over the preceding 3 years” and inserting the phrase “District since January 1, 2010 through the most recently completed calendar year” in its place.

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

(i) The lead-in text is amended as follows:

(I) Strike the phrase “interruptions (inclusive” and insert the phrase “interruptions that affect the public welfare (inclusive” in its place.

(II) Strike the phrase “District, the most recent 3 calendar years average of the following,” and insert the phrase “District since January 1, 2010 through the most recently completed calendar year, averaged using the following data,” in its place.

(ii) Subparagraph (C) is amended by striking the phrase “interruption on” and inserting the phrase “interruption per cost of undergrounding on” in its place.

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

(i) The lead-in text is amended by striking the phrase “company as follows:” and inserting the phrase “company or DDOT, as applicable, as follows:” in its place.

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

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

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

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

“(I) A status report and an explanation of the reasons why DDOT Underground Electric Company Infrastructure Improvement Activity or Electric Company Infrastructure Improvement Activity associated with projects contained in a biennial Underground Infrastructure Projects Plan previously approved by the Commission have not been completed and the dates upon which the projects are expected to be completed.”.

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

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

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

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

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

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

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

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

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

(C) Paragraph (2) is amended by striking the phrase “Costs;” and inserting the phrase “Costs that correspond with an itemized list of the DDOT Underground Electric Company Infrastructure Improvement Activity;” in its place.

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

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

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

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

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

(j) Section 309 (D.C. Official Code § 34-1313.09) is amended as follows:

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

(A) Strike the sentence “Before deciding upon an application for an order approving the triennial Underground Infrastructure Improvement Projects Plan, the Commission shall first publish notice to the public of the application and provide for a period of no less than 60 days for public comment and filing of motions to intervene.” and insert the sentence “Before deciding upon an application for an order approving the biennial Underground Infrastructure Improvement Projects Plan, the Commission shall first publish notice to the public of the application and provide for a period of no less than 60 days after publication of the notice for public comment and 14 days after publication of the notice for filing of motions to intervene.” in its place.

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

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

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

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

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

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

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

(ii) Strike the phrase “surcharge;” and insert the phrase

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“surcharge; provided, that no such charges shall be assessed against customers served under the electric company’s residential aid discount or a succeeding discount program;” in its place.

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

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

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

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

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

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

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

“(2) Recordation tax imposed under section 303 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1103);

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

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

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

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

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

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

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

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

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

(2) The text is amended as follows:

(A) Strike the phrase “section 308(c).” and insert the phrase “section 308(c) and, with respect to the financing order for the corresponding period, shall include the information required pursuant to section 302.” in its place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(e) Notwithstanding any other provision of this act, if the electric company has not recovered the full amount of the aggregate DDOT Underground Electric Company Infrastructure Improvement Charges that it has paid, the Underground Rider shall continue to be collected until the electric company has recovered the full amount even if there is no current biennial Underground Infrastructure Improvement Projects Plan in effect.”.

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

“(f)(1) In conducting the true-up, the recovery for the under-collection of the DDOT Underground Electric Company Infrastructure Improvement Charges through the Underground

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Rider shall be allocated to each customer class in the proportion to which the customer class contributed to the under-collection of the DDOT Underground Electric Company Infrastructure Improvement Charges.

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

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

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

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

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

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

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

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

(i) The lead-in text is amended by striking the year “2019” and inserting the year “2022” in its place.

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

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

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

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

(iii) A new subparagraph (C-i) is added to read as follows:

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

(iv) Subparagraph (D) is amended as follows:

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

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

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

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

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

(B) Paragraph (2) is repealed.

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

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

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

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

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

Sec. 3. Conforming amendments.

(a) Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102), is amended as follows:

(1) Paragraph (33) is amended by striking the word “and”.

(2) Paragraph (34) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (35) is added to read as follows:

“(35) Deeds to property transferred between the electric company and the District pursuant to section 311(c) of the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1313.11(c)).”

(b) Section 47-902 of the District of Columbia Official Code is amended by adding a new paragraph (27) to read as follows:

“(27) The transfer of real and personal property between the electric company and the District pursuant to section 311(c) of the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1313.11(c)).”

(c) Section 47-2005 of the District of Columbia Official Code is amended by adding a new paragraph (40) to read as follows:

“(40) Any sales concomitant to the transfer of real and personal property between the electric company and the District pursuant to section 311(c) of the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1313.11(c)).”

(d) Section 47-2206 of the District of Columbia Official Code is amended as follows:

(1) Paragraph (3) is amended by striking the word “and”.

(2) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (5) is added to read as follows:

“(5) Any sales concomitant to the transfer of real and personal property between the electric company and the District pursuant to section 311(c) of the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1313.11(c)).”

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer for the Electric Company Infrastructure Improvement Financing Amendment Act of 2017, passed on 2nd reading on May 2, 2017 (Enrolled version of Bill 22-184), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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Sec. 5. Effective date.

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia