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REGISTER OF WAGE DETERMINATIONS UNDER
 THE SERVICE CONTRACT ACT
 By direction of the Secretary of Labor

U. S. DEPARTMENT OF LABOR
 EMPLOYMENT STANDARDS ADMINISTRATION
 WAGE AND HOUR DIVISION
 WASHINGTON D. C. 20210

William W. Gross Division of
 Director Wage Determinations

Wage Determination No. : 2005-2103
 Revision No. : 4
 Date Of Revision: 07/05/2007

States: District of Columbia, Maryland, Virginia

Area: District of Columbia Statewide
 Maryland Counties of Calvert, Charles, Frederick, Montgomery, Prince George's, St
 Mary's
 Virginia Counties of Alexandria, Arlington, Fairfax, Falls Church, Fauquier, King
 George, Loudoun, Prince William, Stafford

Fringe Benefits Required Follow the Occupational Listing

OCCUPATION CODE - TITLE	MINIMUM WAGE RATE
01000 - Administrative Support And Clerical Occupations	
01011 - Accounting Clerk I	13.79
01012 - Accounting Clerk II	15.49
01013 - Accounting Clerk III	18.43
01020 - Administrative Assistant	23.59
01040 - Court Reporter	18.43
01051 - Data Entry Operator I	12.67
01052 - Data Entry Operator II	13.82
01060 - Dispatcher, Motor Vehicle	16.50
01070 - Document Preparation Clerk	13.29
01090 - Duplicating Machine Operator	13.29
01111 - General Clerk I	13.72
01112 - General Clerk II	15.32
01113 - General Clerk III	18.74
01120 - Housing Referral Assistant	21.66
01141 - Messenger Courier	10.23
01191 - Order Clerk I	14.74
01192 - Order Clerk II	16.29
01261 - Personnel Assistant (Employment) I	15.60
01262 - Personnel Assistant (Employment) II	18.43
01263 - Personnel Assistant (Employment) III	21.66
01270 - Production Control Clerk	21.29
01280 - Recepti onist	12.72
01290 - Rental Clerk	15.60
01300 - Scheduler, Maintenance	15.60
01311 - Secretary I	17.03
01312 - Secretary II	18.39
01313 - Secretary III	21.66
01320 - Service Order Dispatcher	15.82
01410 - Supply Technician	23.59
01420 - Survey Worker	18.43
01531 - Travel Clerk I	12.07
01532 - Travel Clerk II	13.01
01533 - Travel Clerk III	13.99
01611 - Word Processor I	13.76
01612 - Word Processor II	15.60

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01613 - Word Processor III	18.43
05000 - Automotive Service Occupations	
05005 - Automobile Body Repairer, Fiberglass	25.26
05010 - Automotive Electrician	21.37
05040 - Automotive Glass Installer	20.14
05070 - Automotive Worker	20.14
05110 - Mobile Equipment Servicer	17.31
05130 - Motor Equipment Metal Mechanic	22.53
05160 - Motor Equipment Metal Worker	20.14
05190 - Motor Vehicle Mechanic	22.53
05220 - Motor Vehicle Mechanic Helper	16.81
05250 - Motor Vehicle Upholstery Worker	19.66
05280 - Motor Vehicle Wrecker	20.14
05310 - Painter, Automotive	21.37
05340 - Radiator Repair Specialist	20.14
05370 - Tire Repairer	14.43
05400 - Transmission Repair Specialist	22.53
07000 - Food Preparation And Service Occupations	
07010 - Baker	13.18
07041 - Cook I	11.97
07042 - Cook II	13.28
07070 - Dishwasher	9.76
07130 - Food Service Worker	10.25
07210 - Meat Cutter	16.07
07260 - Waiter/Waitress	8.59
09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	18.05
09040 - Furniture Handler	12.78
09080 - Furniture Refinisher	18.39
09090 - Furniture Refinisher Helper	14.11
09110 - Furniture Repairer, Minor	16.31
09130 - Upholsterer	18.05
11000 - General Services And Support Occupations	
11030 - Cleaner, Vehicles	9.67
11060 - Elevator Operator	9.79
11090 - Gardener	15.70
11122 - Housekeeping Aide	10.89
11150 - Janitor	10.89
11210 - Laborer, Grounds Maintenance	12.07
11240 - Maid or Houseman	10.84
11260 - Pruner	11.37
11270 - Tractor Operator	14.19
11330 - Trail Maintenance Worker	12.07
11360 - Window Cleaner	11.31
12000 - Health Occupations	
12010 - Ambulance Driver	16.06
12011 - Breath Alcohol Technician	17.67
12012 - Certified Occupational Therapist Assistant	20.31
12015 - Certified Physical Therapist Assistant	19.99
12020 - Dental Assistant	16.90
12025 - Dental Hygienist	40.68
12030 - EKG Technician	24.34
12035 - Electroneurodiagnostic Technologist	24.34
12040 - Emergency Medical Technician	17.67
12071 - Licensed Practical Nurse I	18.60
12072 - Licensed Practical Nurse II	20.82
12073 - Licensed Practical Nurse III	21.79
12100 - Medical Assistant	14.23
12130 - Medical Laboratory Technician	18.04
12160 - Medical Record Clerk	14.96
12190 - Medical Record Technician	16.67
12195 - Medical Transcriptionist	16.46
12210 - Nuclear Medicine Technologist	28.93

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12221 - Nursing Assistant I	9.75
12222 - Nursing Assistant II	10.96
12223 - Nursing Assistant III	12.99
12224 - Nursing Assistant IV	14.58
12235 - Optical Dispenser	16.67
12236 - Optical Technician	14.41
12250 - Pharmacy Technician	15.75
12280 - Phlebotomist	14.58
12305 - Radiologic Technologist	27.61
12311 - Registered Nurse I	24.92
12312 - Registered Nurse II	31.22
12313 - Registered Nurse II, Specialist	31.22
12314 - Registered Nurse III	37.77
12315 - Registered Nurse III, Anesthetist	37.77
12316 - Registered Nurse IV	45.28
12317 - Scheduler (Drug and Alcohol Testing)	18.04
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	18.55
13012 - Exhibits Specialist II	23.33
13013 - Exhibits Specialist III	28.11
13041 - Illustrator I	18.73
13042 - Illustrator II	23.42
13043 - Illustrator III	28.82
13047 - Librarian	25.45
13050 - Library Aide/Clerk	12.52
13054 - Library Information Technology Systems Administrator	22.99
13058 - Library Technician	17.88
13061 - Media Specialist I	16.58
13062 - Media Specialist II	18.55
13063 - Media Specialist III	20.68
13071 - Photographer I	14.67
13072 - Photographer II	17.18
13073 - Photographer III	21.52
13074 - Photographer IV	26.05
13075 - Photographer V	29.15
13110 - Video Teleconference Technician	16.58
14000 - Information Technology Occupations	
14041 - Computer Operator I	16.72
14042 - Computer Operator II	18.71
14043 - Computer Operator III	20.86
14044 - Computer Operator IV	23.18
14045 - Computer Operator V	25.66
14071 - Computer Programmer I (1)	21.60
14072 - Computer Programmer II (1)	26.37
14073 - Computer Programmer III (1)	27.62
14074 - Computer Programmer IV (1)	27.62
14101 - Computer Systems Analyst I (1)	27.62
14102 - Computer Systems Analyst II (1)	27.62
14103 - Computer Systems Analyst III (1)	27.62
14150 - Peripheral Equipment Operator	16.72
14160 - Personal Computer Support Technician	23.18
15000 - Instructional Occupations	
15010 - Aircrew Training Devices Instructor (Non-Rated)	34.39
15020 - Aircrew Training Devices Instructor (Rated)	42.72
15030 - Air Crew Training Devices Instructor (Pilot)	50.66
15050 - Computer Based Training Specialist / Instructor	31.26
15060 - Educational Technologist	29.09
15070 - Flight Instructor (Pilot)	50.66
15080 - Graphic Artist	24.95
15090 - Technical Instructor	23.87
15095 - Technical Instructor/Course Developer	29.19
15110 - Test Proctor	19.04
15120 - Tutor	19.04

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16000 - Laundry, Dry-Cleaning, Pressing And Related Occupations	8.95
16010 - Assembler	8.95
16030 - Counter Attendant	12.21
16040 - Dry Cleaner	8.95
16070 - Finisher, Flatwork, Machine	8.95
16090 - Presser, Hand	8.95
16110 - Presser, Machine, Drycleaning	8.95
16130 - Presser, Machine, Shirts	8.95
16160 - Presser, Machine, Wearing Apparel, Laundry	12.30
16190 - Sewing Machine Operator	13.01
16220 - Tailor	9.81
16250 - Washer, Machine	
19000 - Machine Tool Operation And Repair Occupations	18.95
19010 - Machine-Tool Operator (Tool Room)	23.05
19040 - Tool And Die Maker	
21000 - Materials Handling And Packing Occupations	
21020 - Forklift Operator	17.26
21030 - Material Coordinator	21.29
21040 - Material Expediter	21.29
21050 - Material Handling Laborer	12.65
21071 - Order Filler	13.21
21080 - Production Line Worker (Food Processing)	17.28
21110 - Shipping Packer	14.46
21130 - Shipping/Receiving Clerk	14.46
21140 - Store Worker I	10.44
21150 - Stock Clerk	14.35
21210 - Tools And Parts Attendant	17.26
21410 - Warehouse Specialist	17.26
23000 - Mechanics And Maintenance And Repair Occupations	
23010 - Aerospace Structural Welder	25.68
23021 - Aircraft Mechanic I	24.46
23022 - Aircraft Mechanic II	25.68
23023 - Aircraft Mechanic III	26.97
23040 - Aircraft Mechanic Helper	16.61
23050 - Aircraft, Painter	23.42
23060 - Aircraft Servicer	18.71
23080 - Aircraft Worker	19.90
23110 - Appliance Mechanic	20.60
23120 - Bicycle Repairer	14.43
23125 - Cable Splicer	24.98
23130 - Carpenter, Maintenance	20.36
23140 - Carpet Layer	18.70
23160 - Electrician, Maintenance	25.37
23181 - Electronics Technician Maintenance I	22.08
23182 - Electronics Technician Maintenance II	23.44
23183 - Electronics Technician Maintenance III	24.70
23260 - Fabric Worker	17.90
23290 - Fire Alarm System Mechanic	21.46
23310 - Fire Extinguisher Repairer	16.50
23311 - Fuel Distribution System Mechanic	22.81
23312 - Fuel Distribution System Operator	19.38
23370 - General Maintenance Worker	20.91
23380 - Ground Support Equipment Mechanic	24.46
23381 - Ground Support Equipment Servicer	18.71
23382 - Ground Support Equipment Worker	19.90
23391 - Gunsmith I	16.50
23392 - Gunsmith II	19.18
23393 - Gunsmith III	21.46
23410 - Heating, Ventilation And Air-Conditioning Mechanic	21.96
23411 - Heating, Ventilation And Air Contditi oning Mechanic (Research Facility)	
23.13	
23430 - Heavy Equipment Mechanic	21.46
23440 - Heavy Equipment Operator	21.46

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23460	- Instrument Mechanic	21.46
23465	- Laboratory/Shelter Mechanic	20.36
23470	- Laborer	14.27
23510	- Locksmith	19.76
23530	- Machinery Maintenance Mechanic	21.77
23550	- Machinist, Maintenance	21.52
23580	- Maintenance Trades Helper	15.10
23591	- Metrology Technician I	21.46
23592	- Metrology Technician II	22.61
23593	- Metrology Technician III	23.72
23640	- Millwright	23.30
23710	- Office Appliance Repairer	21.00
23760	- Painter, Maintenance	20.36
23790	- Pipefitter, Maintenance	22.76
23810	- Plumber, Maintenance	20.99
23820	- Pneumatic Systems Mechanic	21.46
23850	- Rigger	21.46
23870	- Scale Mechanic	19.18
23890	- Sheet-Metal Worker, Maintenance	21.46
23910	- Small Engine Mechanic	20.05
23931	- Telecommunications Mechanic I	25.22
23932	- Telecommunications Mechanic II	26.58
23950	- Telephone Lineman	24.43
23960	- Welder, Combination, Maintenance	21.46
23965	- Well Driller	21.46
23970	- Woodcraft Worker	21.46
23980	- Woodworker	16.50
24000	- Personal Needs Occupations	
24570	- Child Care Attendant	11.58
24580	- Child Care Center Clerk	16.15
24610	- Chore Aide	9.58
24620	- Family Readiness And Support Services Coordinator	12.95
24630	- Homemaker	16.75
25000	- Plant And System Operations Occupations	
25010	- Boiler Tender	24.98
25040	- Sewage Plant Operator	20.23
25070	- Stationary Engineer	24.98
25190	- Ventilation Equipment Tender	17.56
25210	- Water Treatment Plant Operator	20.23
27000	- Protective Service Occupations	
27004	- Alarm Monitor	17.66
27007	- Baggage Inspector	11.51
27008	- Corrections Officer	19.83
27010	- Court Security Officer	23.26
27030	- Detection Dog Handler	17.66
27040	- Detention Officer	19.83
27070	- Firefighter	22.39
27101	- Guard I	11.51
27102	- Guard II	17.66
27131	- Police Officer I	23.94
27132	- Police Officer II	26.60
28000	- Recreation Occupations	
28041	- Carnival Equipment Operator	12.35
28042	- Carnival Equipment Repairer	13.30
28043	- Carnival Equipment Worker	8.40
28210	- Gate Attendant/Gate Tender	13.01
28310	- Lifeguard	11.59
28350	- Park Attendant (Aide)	14.56
28510	- Recreation Aide/Health Facility Attendant	10.62
28515	- Recreation Specialist	18.04
28630	- Sports Official	11.59
28690	- Swimming Pool Operator	16.85
29000	- Stevedoring/Longshoremen Occupational Services	

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29010 - Blocker And Bracer	20.55
29020 - Hatch Tender	20.55
29030 - Line Handler	20.55
29041 - Stevedore I	19.18
29042 - Stevedore II	21.64
30000 - Technical Occupations	
30010 - Air Traffic Control Specialist, Center (HF0) (2)	34.71
30011 - Air Traffic Control Specialist, Station (HF0) (2)	23.94
30012 - Air Traffic Control Specialist, Terminal (HF0) (2)	26.36
30021 - Archeological Technician I	17.06
30022 - Archeological Technician II	19.03
30023 - Archeological Technician III	23.76
30030 - Cartographic Technician	24.85
30040 - Civil Engineering Technician	22.19
30061 - Drafter/CAD Operator I	17.92
30062 - Drafter/CAD Operator II	20.06
30063 - Drafter/CAD Operator III	22.36
30064 - Drafter/CAD Operator IV	27.51
30081 - Engineering Technician I	20.19
30082 - Engineering Technician II	22.67
30083 - Engineering Technician III	25.37
30084 - Engineering Technician IV	31.43
30085 - Engineering Technician V	38.44
30086 - Engineering Technician VI	46.51
30090 - Environmental Technician	21.36
30210 - Laboratory Technician	22.36
30240 - Mathematical Technician	26.31
30361 - Paralegal/Legal Assistant I	20.03
30362 - Paralegal/Legal Assistant II	24.82
30363 - Paralegal/Legal Assistant III	30.35
30364 - Paralegal/Legal Assistant IV	36.73
30390 - Photo-Optics Technician	24.85
30461 - Technical Writer I	20.69
30462 - Technical Writer II	25.30
30463 - Technical Writer III	30.61
30491 - Unexploded Ordnance (UXO) Technician I	22.06
30492 - Unexploded Ordnance (UXO) Technician II	26.69
30493 - Unexploded Ordnance (UXO) Technician III	31.99
30494 - Unexploded (UXO) Safety Escort	22.06
30495 - Unexploded (UXO) Sweep Personnel	22.06
30620 - Weather Observer, Combined Upper Air Or Surface Programs (2)	22.14
30621 - Weather Observer, Senior (2)	23.98
31000 - Transportation/Mobile Equipment Operation Occupations	
31020 - Bus Aide	11.99
31030 - Bus Driver	17.54
31043 - Driver Courier	12.71
31260 - Parking and Lot Attendant	9.06
31290 - Shuttle Bus Driver	13.89
31310 - Taxi Driver	13.98
31361 - Truckdriver, Light	13.89
31362 - Truckdriver, Medium	17.09
31363 - Truckdriver, Heavy	18.40
31364 - Truckdriver, Tractor-Trailer	18.40
99000 - Miscellaneous Occupations	
99030 - Cashier	10.03
99050 - Desk Clerk	10.45
99095 - Embalmer	21.77
99251 - Laboratory Animal Caretaker I	10.47
99252 - Laboratory Animal Caretaker II	10.85
99310 - Mortician	27.25
99410 - Pest Controller	14.54
99510 - Photofinishing Worker	11.59
99710 - Recycling Laborer	15.73

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99711 - Recycling Specialist	18.72
99730 - Refuse Collector	14.01
99810 - Sales Clerk	11.87
99820 - School Crossing Guard	11.37
99830 - Survey Party Chief	19.76
99831 - Surveying Aide	12.28
99832 - Surveying Technician	18.78
99840 - Vending Machine Attendant	12.61
99841 - Vending Machine Repairer	16.37
99842 - Vending Machine Repairer Helper	12.61

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.16 per hour or \$126.40 per week or \$547.73 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year, New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4174)

THE OCCUPATIONS WHICH HAVE PARENTHESES AFTER THEM RECEIVE THE FOLLOWING BENEFITS (as numbered):

- 1) Does not apply to employees employed in a bona fide executive, administrative, or professional capacity as defined and delineated in 29 CFR 541. (See CFR 4.156)
- 2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the

like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

** UNIFORM ALLOWANCE **

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A link to the Directory may be found on the WHD home page at <http://www.dol.gov/esa/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C)(vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation) and computes a proposed rate).

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- 2) After contract award, the contractor prepares a written report listing in order proposed classification title), a Federal grade equivalency (FGE) for each proposed classification), job description), and rationale for proposed wage rate), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.

(d) A franchise granted pursuant to this chapter shall:

(1) Authorize the use of the public rights-of-way for installing, on poles or underground, cables, wires, lines, optical fibers, underground conduits, ducts, conductors, amplifiers, vaults, and other facilities necessary and pertinent to operate a cable system to serve subscribers within the District; provided:

(A) The authority to use the public rights-of-way shall be subject to the permitting and other regulatory authority of the District;

(B) The authority to use the public rights-of-way shall be subordinate, without limitation, to the District's use and any prior lawful occupancy of the public rights-of-way;

(2) Be subject to prior revocation pursuant to this chapter and the franchise agreement;

(3) Be subject to any terms, conditions, or obligations set forth in this chapter, the franchise, the franchise agreement, and other applicable law and regulation;

(4) Become void upon the failure to comply with any material term of the franchise, franchise agreement, or this chapter, as determined by the Office; and

(5) Constitute an obligation to provide the cable services regulated by this chapter, the franchise agreement, and any other applicable law or regulation.

(e) A franchise granted pursuant to this chapter shall not:

(1) Limit the District's right to grant a franchise to other persons to provide cable service within the same or other areas of the District at any time;

(2) Waive the requirement of the cable operator to obtain, or be deemed, approval of:

(A) Any other permit or authorization to transact or carry on business in the District;

(B) Any permit or authorization to operate on, over, under, or within public streets or property, including street cut permits; or

(C) Any permit or authorization to occupy any property of the District government or private property to which access is not specifically granted by the franchise, including permits or authorization to place devices in, on, over, or under poles, conduits, structures, or railroad easements.

(Aug. 21, 1982, D.C. Law 4-142, § 401, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

Historical and Statutory Notes

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of the Comcast Cable Television Franchise Agreement Modification Emergency Act of 2006 (D.C. Act 16-364, April 26, 2006, 53 DCR 3630).

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

Miscellaneous Notes

Section 2 of D.C. Law 15-255 provides:

"Sec. 2. Grant of franchise.

"Pursuant to the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 et seq.) ("Cable Act"), the application of Starpower Communications, LLC for an open video system franchise is hereby approved, and Starpower Communications, LLC is granted a 5-year, non-exclusive, revocable open video system ("OVS") franchise to provide cable television service in the District of Columbia. The OVS franchise is subject to the provisions of the Cable Act and the terms and conditions of the OVS franchise agreement approved by section 3."

§ 34-1254.02. Application for an initial franchise.

(a) An application for the grant of an initial franchise may be filed pursuant to a request for proposals issued by the District or on an unsolicited basis.

(b) The application shall be filed with the Office and shall be on a form prescribed by the Mayor. The application shall contain the following information:

(1) The names and addresses of persons authorized to act on behalf of the applicant with regard to the application;

(2) The name and address of the applicant and identification of the ownership and control of the applicant, including the names and addresses of all persons with more than 5% (non-voting or voting) ownership interest in the applicant and its affiliates, all officers and directors of the applicant and its affiliates, general partners or managing members as

ter shall:

of-way for installing, on poles or underground, round conduits, ducts, conductors, amplifiers, pertinent to operate a cable system to serve

hts-of-way shall be subject to the permitting act;

rights-of-way shall be subordinate, without prior lawful occupancy of the public rights-of-

it to this chapter and the franchise agreement; or obligations set forth in this chapter, the applicable law and regulation;

ply with any material term of the franchise, rmined by the Office; and

e cable services regulated by this chapter, the e law or regulation.

ter shall not:

franchise to other persons to provide cable District at any time;

erator to obtain, or be deemed, approval of: o transact or carry on business in the District; ate on, over, under, or within public streets or

py any property of the District government or pecifically granted by the franchise, including 1, on, over, or under poles, conduits, structures,

9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

Statutory Notes

"Pursuant to the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*) ("Cable Act"), the application of Starpower Communications, LLC for an open video system franchise is hereby approved, and Starpower Communications, LLC is granted a 5-year, non-exclusive, revocable open video system ("OVS") franchise to provide cable television service in the District of Columbia. The OVS franchise is subject to the provisions of the Cable Act and the terms and conditions of the OVS franchise agreement approved by section 3."

Franchise.

l franchise may be filed pursuant to a request solicited basis.

Office and shall be on a form prescribed by the wing information:

authorized to act on behalf of the applicant with

cant and identification of the ownership and s and addresses of all persons with more than st in the applicant and its affiliates, all officers tes, general partners or managing members as

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applicable, and all other business affiliations and cable system ownership interests of each such person;

(3) An executive summary demonstrating the applicant's technical ability to construct and operate a state-of-the-art cable system, including identification of key personnel;

(4) A description of the applicant's legal qualifications to construct and operate the proposed cable system;

(5) A detailed description of the physical facility proposed, including channel capacity, technical design, performance characteristics, headend, and access facilities.

(6) A demonstration of financial qualifications to complete the construction and operation of the proposed cable system;

(7) A description of prior experience in cable ownership, construction, and operation, and identification of the communities in which the applicant or any of its principals, including persons named pursuant to paragraph (2) of this subsection, have, or have had, a cable franchise or any interest therein;

(8) Where applicable, a description of the construction of the proposed system, including an estimate of plant mileage and its location, the proposed construction schedule and map, and a description, where appropriate, of how services will be converted from existing facilities to new facilities;

(9) A demonstration of how the applicant will meet the cable-related needs and interests of District residents, including public, educational, and government access channel capacity and facilities and financial or capital contribution to an institutional network;

(10) An affidavit or a declaration by the applicant or authorized officer certifying the truth and accuracy of the information in the application and certifying that the application is consistent with all the requirements of federal and District law;

(11) For informational purposes, the proposed rate structure, including projected charges for each service tier, installation, converters, and other equipment or services, and the ownership interest of the applicant or any of its affiliates in any proposed program services to be delivered over the cable system; and

(12) Any other information required by the Office by regulation.

(c) The Office may establish, by regulation, fees for filing and processing an application under this section.

(Aug. 21, 1982, D.C. Law 4-142, § 402, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

Historical and Statutory Notes

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.03. Evaluation of an initial franchise application.

(a) Within 45 days after receiving an application under § 34-1254.02, the Office shall certify the application as complete or shall transmit to the applicant a description of missing information and the time by which the missing information must be provided.

(b) Upon certifying the application as complete, the Office shall have published in the District of Columbia Register a Notice of the Filing of an Application for a Cable Franchise, which shall contain the name of the applicant, the nature of the application, and a description of the procedures under this chapter.

(c) Within 120 days after certifying an application as complete, the Office shall determine whether the applicant has the ability and commitment to adequately provide cable service in the District and to meet the cable-related needs and interests of the District and of District residents. In making this determination, the Office may procure the assistance of qualified technical, financial, and legal consultants.

(d) In determining the ability and commitment of an applicant to adequately provide cable service in the District and to meet the cable-related needs and interests of the District and of District residents, the Office shall consider the following:

(1) Whether the proposed plans for the cable system are feasible and reasonable, considering the applicant's legal, financial, and technical resources and abilities and any other relevant factors;

(2) Whether the applicant has the ability, willingness, and commitment to construct, operate, and maintain a state-of-the-art cable system in the best interests of the District and of District residents;

(3) Whether the applicant has the ability to adapt to and implement new technologies, services, and programming;

(4) Whether the proposed cable system will serve the public interest and meet the cable-related needs of the District;

(5) Whether the applicant has had a previous franchise application denied by the District or any other franchising authority;

(6) Whether the applicant has filed materially misleading information in its application or intentionally withheld information that the applicant is required to provide;

(7) Whether the applicant has demonstrated a willingness and the ability to comply with the requirements of this chapter and any regulations promulgated under this chapter; and

(8) Any other relevant information.

(e) In making a determination under this section, the Office may hold a public hearing to receive testimony on the applicant and the application. The Office shall have a notice of the hearing published in the District of Columbia Register and shall hold the hearing on no less than 15 days notice. The Office may consider multiple applications at a hearing.

(f) In making a determination under this section, the Office may accept written and oral testimony and any other materials relevant to the application or its determination.

(g) If the Office determines that an applicant does not possess the ability and commitment to adequately provide cable service in the District and meet the cable-related needs and interests of the District and District residents, the Office shall give the applicant additional time, not to exceed 90 days, and shall in writing indicate the deficiencies in the application and recommend how the applicant can correct the deficiencies. If the applicant, after the additional time, remains unable to meet the standards of this section, the application shall be denied. The Office shall transmit to the Council a notice of denial of application and shall set forth the reasons for the denial.

(Oct. 9, 2002, D.C. Law 14-193, § 2, 49 DCR 7334.)

Historical and Statutory Notes

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.04. Negotiation of an initial franchise agreement.

(a) If the Office determines under § 34-1254.03 that an applicant has the ability and commitment to adequately provide cable service in the District and to meet the cable-related needs and interests of the District and of District residents, the Office shall commence the negotiation of the terms of a franchise agreement between the District and the applicant.

(b) The Office and the applicant shall agree on the terms of a proposed franchise agreement within one year after the commencement of the negotiations under subsection (a) of this section. The Office may extend the one-year period of negotiations for up to 180 additional days, if additional time is necessary to finalize the terms of the proposed franchise agreement and there is good cause for not having finalized the agreement within the one-year period.

(Aug. 21, 1982, D.C. Law 4-142, § 404, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

Historical and Statutory Notes

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.05. Minimum contents of franchise agreement.

(a) The proposed franchise agreement shall contain the following provisions:

- (1) The applicant shall construct, operate, and maintain a state-of-the-art cable system.
- (2) The capacity of the cable system shall be at least 750 MHz, with both downstream and upstream capacity.
- (3) The cable system shall be capable of providing Internet access services.
- (4) The applicant shall pay a franchise fee of at least 5% of gross revenues.
- (5) The applicant shall contribute at least 1% of gross revenues to the operations of the Public Access Corporation;
- (6) The applicant shall provide at least 8 PEG channels on the analog portion of the cable system and at least 10 PEG channels on the digital portion of the cable system.
- (7) The applicant shall provide at least 1% of gross revenues each year as continuing capital support for the public, educational, and government access channels.
- (8) The applicant shall enter into an agreement regarding contracting with, and procuring from, local, small, and disadvantaged business enterprises.
- (9) The applicant shall enter into a First Source agreement.
- (10) The applicant shall provide significant financial resources or capacity or equipment to an institutional network.
- (11) The construction schedule required by § 34-1257.03.

(b) The term of a franchise agreement shall not exceed 15 years in the case of an initial franchise and shall not exceed 10 years in the case of a renewed franchise.

(c) The proposed franchise agreement shall include procedures for amending the franchise agreement, including the District's right to amend the franchise agreement in order to take advantage of advancements in technology.

(d) The proposed franchise agreement shall also cover matters regarding system construction, operation, and maintenance; indemnity, insurance and bonding requirements; reports and records; default and remedies; notices; and all terms and conditions related to the provision of cable service the Office deems necessary or appropriate.

(Aug. 21, 1982, D.C. Law 4-142, § 405, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

Historical and Statutory Notes**Legislative History of Laws**

For Law 14-193, see notes following
§ 34-1251.01.

§ 34-1254.06. Procedure for Council review and approval of initial franchise.

(a) If the Office and the applicant agree on the terms of a proposed franchise agreement under § 34-1254.05, the Office shall submit to the Mayor and the Council a Recommendation for the Approval of a Franchise Application consisting of the franchise application, the proposed franchise agreement, and a summary of factors supporting the recommendation.

(b) If at the end of the initial or extended negotiation period under § 34-1254.04, the Office and the applicant are unable to agree on the terms of a proposed franchise agreement, the Office shall submit to the Mayor and the Council a Recommendation for the Denial of a Franchise Application consisting of the franchise application and a summary of the factors supporting the recommendation. The summary shall describe specific deficiencies of the application and a general description of why the application should not be granted.

(c) The Council may, by act, grant a franchise and approve the franchise agreement, with or without conditions or modifications which may override any provisions of the proposed franchise agreement, deny a franchise or reject the proposed franchise agreement and remand the proposed franchise agreement to the Office with recommendations to renegotiate any of the provisions of the agreement and submit a revised agreement to the Council, or deny a franchise or reject the proposed franchise agreement.

(d) Each applicant to whom the District grants a franchise shall pay to the District, within 30 days after the franchise is granted, a franchise award fee to be set in the act granting the

franchise. The payment shall be nonrefundable. An applicant's failure to pay the franchise award fee within the 30-day period shall make the franchise and franchise agreement void. (Aug. 21, 1982, D.C. Law 4-142, § 406, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

Historical and Statutory Notes

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.07. Franchise renewal; commencement under federal cable act.

(a) The Office may commence a franchise renewal proceeding under section 626(a) of the federal cable act (47 U.S.C. § 546(a)).

(b)(1) Upon commencement of a franchise renewal proceeding under this section, the Office shall commence the following:

- (A) A formal assessment of community cable-related needs, both current and future;
- (B) A formal assessment of the cable operator's compliance with this chapter, the franchise, and the franchise agreement over the course of the franchise; and
- (C) A formal assessment of the technical aspects of the cable system.

(2) The Office shall complete the assessments under this section prior to taking action under subsection (e) of this section.

(c) If the Office commences a proceeding under section 626(a) of the federal cable act (47 U.S.C. § 546(a)), the cable operator shall submit a proposal for renewal of the franchise within such time, and with such information, as the Office shall establish by regulation.

(d) The Office shall provide public notice of the proposal through publication of a Notice of Cable Franchise Renewal Proposal in the District of Columbia Register.

(e) After the submission of a completed renewal proposal the Office shall:

(1) Within 90 days, provide to the Council a written recommendation that the franchise should be renewed, along with a proposed franchise agreement which shall meet the standards of § 34-1254.05; or

(2) Within 120 days, issue a preliminary assessment that the franchise should not be renewed and commence an administrative proceeding consistent with section 626(c) of the federal cable act (47 U.S.C. § 546(c)). After the completion of the administrative proceeding, the Office shall transmit to the Council a written proposed decision granting or denying the proposal for renewal based upon the record of the proceeding and stating the reasons for the proposed decision. If the proposed decision is to deny the renewal, the Office shall provide a detailed explanation of the proposed denial's consistent with federal law.

(Aug. 21, 1982, D.C. Law 4-142, § 407, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

Historical and Statutory Notes

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.08. Franchise review prior to expiration.

(a) If the Office does not commence a renewal proceeding under § 34-1254.07, the Office shall commence a franchise review proceeding no later than 24 months before the expiration of the franchise.

(b) The Office shall commence the proceeding by having published in the District of Columbia Register a Notice of Commencement of Cable Franchise Review Prior to Expiration, which shall state the name of the cable operator, the nature of the proceedings, and the relevant procedures under this chapter and federal law.

(c) Within 120 days after commencement of the review proceeding under this section, the Office shall hold a public hearing, on at least 30 days notice published in the District of