

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF THE SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Public Energy Authority TITLE NUMBER: 53
RULE TYPE: Procedural; CITE AUTHORITY W.Va. Code, §5D-1-5, §6-9A-3
AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 2

TITLE OF RULE BEING PROPOSED: Establishment of Procedures for
Giving Notice to Public and Media of Meetings of PEA.

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON March 4, 1991 AT 4:00 p.m.
ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

West Virginia Public Energy Authority
P. O. Box 1291
Charleston, WV 25321

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Establishment of Procedures for Giving Notice to Public and Media of Meetings of PEA.

Type of Rule: Legislative Interpretative X Procedural

Agency: WV Public Energy Authority Address: State Capitol Building
Charleston, WV 25305

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services	0				
Current Expense	0				
Repairs and Alterations	0				
Equipment	0				
Other	0				

2. Explanation of above estimates:

There is no change in the PEA's budget as result of these regulations.

3. Objectives of these rules:

To provide adequate notice to public and media of all PEA public meetings.

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing: _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached _____

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**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE
SUMMARY**

This proposed Rule sets forth the manner in which notice to public and media shall be given by the Authority including notice filed in office of Secretary of State and the Capitol News Service.

WEST VIRGINIA LEGISLATIVE RULE
WEST VIRGINIA PUBLIC ENERGY AUTHORITY
CHAPTER 5D-1
SERIES 2

Title: Establishment of Procedures for Giving Notice to the Public
 and Media of Meetings of the West Virginia Public Energy
 Authority.

Section 1. General.

1.1 Scope - This procedural rule establishes the procedures
for giving notice to the public and media of meetings of the West Virginia
Public Energy Authority.

1.2 Authority - West Virginia Code §5D-1-5.
 West Virginia Code §6-9A-3.

1.3 Filing Date -

1.4 Effective Date - January 3, 1989

1.5 Repeal of Former Rule - Not Applicable.

Section 2. Procedure for Giving Notice of Regular Meetings of the West
 Virginia Public Energy Authority.

2.1 The Chairperson of the West Virginia Public Energy
Board (the "Board") shall cause to be filed in the Office of the Secretary of
State for publication in the State Register a notice of each regular meeting
of the Board. Each notice shall state the time, place and purpose of the
regular meeting of the Board and shall be filed in a manner to allow each
notice to appear in the State Register at least five days prior to the date of
the meeting.

2.2 In addition to the filing prescribed in 2.1, the
Chairperson may cause a copy of the notice described in 2.1 to be delivered

to the Capitol News Service and the Chairperson may also send copies of said notice to any and all agencies, associations and persons that might be interested in such regular meeting.

2.3 In the event that there is a change in the information contained in a notice described in 2.1, the Chairperson shall cause a revised notice to be filed in the Office of the Secretary of State and copies of the revised notice to be delivered to the Capitol News Service and all other agencies, associations and persons that received the initial notice. The said revised notice shall contain all of the information, as revised, regarding the time, place and purpose of the regular meeting.

Section 3. Procedure for Giving Notice of Special Meetings of the West Virginia Public Energy Authority.

3.1 As soon as practicable after a special meeting of the Board has been properly called, the Chairperson of the Board shall cause to be filed in the Office of the Secretary of State for publication in the State Register a notice of each special meeting of the Board. Each notice shall state the time, place and purpose of such special meeting of the Board and shall be filed in a manner to allow each notice to appear in the State Register at least five days prior to the date of the meeting.

3.2 In addition to the filing prescribed in 3.1, the Chairperson may cause a copy of the notice described in 3.1 to be delivered to the Capitol News Service and the Chairperson may also send copies of said notice to any and all agencies, associations and persons that might be interested in such special meeting.

3.3 In the event that there is a change in the information contained in a notice described in 3.1, the Chairperson shall cause a revised notice to be filed in the Office of the Secretary of State and copies of the revised notice to be delivered to the Capitol News Service and all other agencies, associations and persons that received the initial notice. The said revised notice shall contain all of the information, as revised, regarding the time, place and purpose of the special meeting.

Section 4. Publication of Notice of Meeting at Which Bond Issue will be Finally Considered

4.1 In addition to the procedures set forth hereinabove, for all meetings at which a bond issue will be finally considered, whether said meeting be a regular or special meeting, the Chairperson may, if time allows, cause a notice of said meeting to be published at least ten (10) days prior to such meeting as a Class I legal advertisement published in accordance with West Virginia Code §59-3-1, et seq., in a qualified newspaper having a general circulation in Kanawha County, West Virginia. The notice required herein shall set forth the time, place and the purpose or purposes of the meeting, including the final consideration of the bond issue or issues. The failure to publish such a notice shall in no manner invalidate any action taken at such meeting.

Section 5. Emergency Meetings.

5.1 In the event of an emergency requiring immediate official action, the Chairperson may cause to be filed in the Office of the Secretary of State an emergency meeting notice at any time prior to the meeting. The emergency meeting notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency. No other notice shall be required to be given to the public or media of such emergency meeting, notwithstanding any other provision herein to the contrary.