

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #2

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FILED  
1300 JAN 19 PM 1:59  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: Public Energy Authority TITLE NUMBER: 53

RULE TYPE: Procedural; CITE AUTHORITY §6-9A-3

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

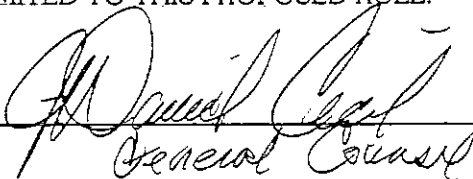
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Establishment of Procedures for Giving  
Notice to the Public & Media of Meetings of the WV Public  
Energy Authority

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 February 20, 1990 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Jim Cristy  
Public Energy Authority  
Community & Industrial Dev.  
Building 1, Room M-146  
Charleston, WV 25305

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

  
General Counsel

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

CECIL, BARTH & THOMPSON  
ATTORNEYS AT LAW  
KANAWHA BOULEVARD, WEST AT BERKELEY  
CHARLESTON, WEST VIRGINIA

J. DAVID CECIL  
J. NICHOLAS BARTH  
STEPHEN L. THOMPSON

January 16, 1991

MAILING ADDRESS:  
P.O. BOX 129  
CHARLESTON, WV 25321

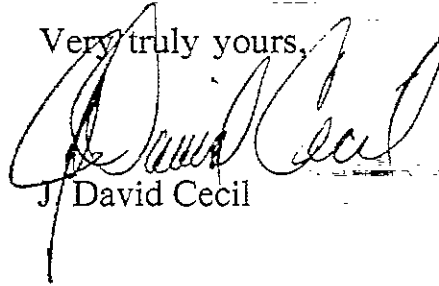
TELEPHONE:  
(304) 342-7111  
FAX (304) 342-6215

Ms. Judy Cooper, Director  
Administrative Law Division  
Secretary of State  
State Capitol Complex  
Charleston, WV 25305

Dear Ms. Cooper,

Enclosed please find your offices forms completed, I hope correctly, relative to Series 2 of the PEA's Regulations. If you have any questions, please feel free to call. I appreciate both your assistance and patience.

Very truly yours,



J. David Cecil

JDC:kdI

Enclosures

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

ROBERT E. WILKINSON  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 345-4000  
Corporations: 342-8000



## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

SHEREE COHEN  
Special Assistant

(Plus all the volunteer  
help we can get!)

January 3, 1991

Mr. J. David Cecil  
Cecil, Barth & Thompson  
P. O. Box 129  
Charleston, WV 25321

Dear Mr. Cecil:

I received your letter of December 21, 1990 concerning the procedural rules of the PEA.

The Code clearly stipulates that procedural rules must be final filed in the Secretary of State's office within 6 months of the hearing or comment period in order for them to be effective. I realize that this may be burdensome, non-productive and redundant, but you must go through proper procedures for these rules to be in force.

Therefore, I am sending you the forms that you will need to refile this rule for comment period and the form that must be final filed after the comment period.

If I can help you in any way, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Judy Cooper".

Judy Cooper, Director  
Administrative Law Division

CECIL, BARTH & THOMPSON  
ATTORNEYS AT LAW  
KANAWHA BOULEVARD, WEST AT BERKELEY  
CHARLESTON, WEST VIRGINIA

FILED

1990 DEC 26 AM 9:32

December 21, 1990

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

J. DAVID CECIL  
J. NICHOLAS BARTH  
STEPHEN L. THOMPSON

MAILING ADDRESS:  
P.O. BOX 129  
CHARLESTON, WV 25321

TELEPHONE:  
(304) 342-7111  
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Ms. Judy Cooper, Director  
Administrative Law Division  
Secretary of State's Office  
State Capitol Complex  
Charleston, WV 25305

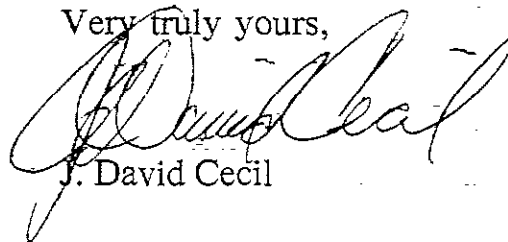
RE: PEA: Procedural Rule Series 2

Dear Ms. Cooper:

Since the comment period did not cease until after the public hearing - May 30, 1990, the adoption by the Board of Directors of the PEA is timely under §29A-3A-9, as amended. The delay in noticing the Secretary of State by November 30, 1990, as you can plainly see is that the minutes of the May 30, 1990, Meeting were not approved; that is, also, the reason you have a draft copy of these minutes. PEA has not had a Board Meeting since the May 20, 1990, Meeting.

If your office requires us to go through the motions again, we will, of course, do so; but it seems to me both burdensome, non-productive, and redundant.

Very truly yours,



J. David Cecil

JDC:kdl

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

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Deputy Secretary of State

CATHERINE FREROTTE  
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## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

SHEREE COHEN  
Special Assistant

(Plus all the volunteer  
help we can get)

December 20, 1990

J. David Cecil  
Cecil, Barth & Thompson  
P. O. Box 129  
Charleston, WV 25321

Dear Mr. Cecil:

I received the three rules for the West Virginia Public Energy Authority -- Series 1, 2 & 3.

I am sending you a stamped copy of Series 1 and 3 for your records. Also, you need to send 15 copies of each of these rules to Legislative Rule Making Review Committee. Included in each package should be: a copy of form 3, a brief summary of the rule, a summary of comments received and how you responded even if there were not any comments received, a two-page questionnaire for Legislative Rule Making Review Committee filled out, a fiscal note and a copy of the rule.

I am also sending back your Series 2, a procedural rule. As I told you on the phone, according to 29A-3-8 of the West Virginia Code, you must final file a procedural rule within 6 months of the close of the public comment period or the rule is withdrawn. Your rule was withdrawn effective August 20, 1990. You must start from the beginning with this rule. I have enclosed a copy of the Code citation.

Please do not hesitate to call me if I can assist you in any way with the promulgation of these rules.

Sincerely,

A handwritten signature in cursive script that reads "Judy Cooper".

Judy Cooper, Director  
Administrative Law Division

P.S. Your rules must be filed with Legislative Rule Making Review Committee to insure that they will go through the whole rule making process and become effective.

CECIL, BARTH & THOMPSON  
ATTORNEYS AT LAW  
KANAWHA BOULEVARD, WEST AT BERKELEY  
CHARLESTON, WEST VIRGINIA

December 18, 1990

J. DAVID CECIL  
J. NICHOLAS BARTH  
STEPHEN L. THOMPSON

MAILING ADDRESS:  
P.O. BOX 129  
CHARLESTON, WV 25321

TELEPHONE:  
(304) 342-7111  
FAX (304) 342-6215

The Honorable Ken Hechler  
Secretary of State  
State Capitol Complex  
Charleston, WV 25301

RE: WV Public Energy Authority Rules  
Series 1, 2 and 3

Dear Mr. Hechler,

Please find enclosed your agency's forms which have been completed relating to each of the new Rules of the West Virginia Public Energy Authority. Series 1 and 3 are legislative rules, while Series 2 is a procedural rule. The necessary comment period has been provided and a public hearing was held on May 30, 1990. While the minutes of that meeting have not been approved - the PEA has had no meetings since May 30 - I have obtained a copy of the draft minutes which are enclosed.

I have, also, provided you with copies of the newspaper notices and the regulations.

Should you have any questions, please call.

Very truly yours,

  
J. David Cecil

JDC:kdl

Enclosures

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In this Box

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Public Energy Authority TITLE NUMBER: \_\_\_\_\_

CITE AUTHORITY: West Virginia Code, 1931, §5D-1-5, as amended

RULE TYPE: PROCEDURAL  INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

West Virginia Code, §29A-3A-4, as amended

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: N/A

TITLE OF RULE BEING AMENDED: N/A

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

TITLE OF RULE BEING ADOPTED: Procedures for Giving Notice to  
Public and Media of Meetings of West Virginia Public Energy  
Authority.

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS May 30, 1990

  
General Counsel

CECIL, BARTH & THOMPSON  
ATTORNEYS AT LAW  
KANAWHA BOULEVARD, WEST AT BERKELEY  
CHARLESTON, WEST VIRGINIA

September 3, 1991

J. DAVID CECIL  
J. NICHOLAS BARTH  
STEPHEN L. THOMPSON

MAILING ADDRESS:  
P.O. BOX 129  
CHARLESTON, WV 25321  
TELEPHONE:  
(304) 342-7111  
FAX (304) 342-6215

Ms. Judy Cooper  
Office of the Secretary of State  
State Capitol  
Charleston, WV 25305

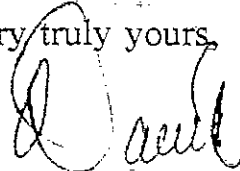
RE: Substitution of Series II Procedural  
Rule of Rule Approved by the  
Legislative Oversight Committee

Dear Judy,

Please find enclosed a copy of a letter I received from Michael P. McThomas, counsel to the Legislative Rule Making Committee, relative to Series II Procedural Rule to be filed with the Secretary of State's Office. This amended Series II Rule complies with the recent legislation and merely requires substitution of this enclosed Rule with that now on file.

Should you have any questions, please feel free to call.

Very truly yours,



J. David Cecil

JDC:bjm

Enclosure



WEST VIRGINIA LEGISLATURE  
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Room M-152, State Capitol  
Charleston, West Virginia 25305  
(304) 340-3286

Senator William R. Wooton, Co-Chairman  
Delegate David Grubb, Co-Chairman

Debra A. Graham, Counsel  
Michael McThomas, Associate Counsel  
Marie Wickerson, Admr. Assistant

August 26, 1991

J. David Cecil, Counsel  
Public Energy Authority  
202 Berkeley Street  
Charleston, West Virginia 25302

Dear Mr. Cecil,

Per our telephone conversation on August 26, 1991, please file this enclosed Series 2 procedural rule with the Secretary of State's office in lieu of the one currently on file. Filing of this rule will coincide with the Legislative Rule-Making Review Committee's action and avoid any inconsistency with Series 1 and 3. No further action in the form of Public Energy Authority approval or public comment is required.

Thank you for your cooperation, and if I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael P. McThomas".

Michael P. McThomas, Counsel  
Legislative Rule-Making  
Review Committee

ENCLOSURE