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**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 22nd day of October, 1999.

GENERAL ORDER NO. 182.3

In the matter of a rulemaking to determine requirements for the filing of applications for certificates of convenience and necessity.

GENERAL ORDER NO. 252

In the matter of initiating a rulemaking to determine certificate of need requirements for commercial solid waste facilities.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FEB 1 9 40 AM '00

FILED

**COMMISSION ORDER
DISMISSING RULEMAKING**

By Order issued February 8, 1999, the Commission promulgated proposed amendments to its Rules of Practice and Procedure, 150 C.S.R. Series 1 (Procedural Rules). The amendments proposed by the Commission were to rules governing the filing of applications for certificates of convenience and necessity by public utilities, and the filing of applications for certificates of need by commercial solid waste facilities. Several interested parties filed comments to the proposed rules. One party filing comments was Commission Staff, which recommended certain amendments to the Procedural Rules that were not contemplated by these general orders and that are unrelated to certificate filings, e.g. changes to pleading and motion practice before the Commission. Other parties filing comments in this rulemaking limited their comments to the changes proposed by the Commission. West Virginia-American Water Company (WVAWC) objected to Staff's recommending amendments that were outside the scope of these general orders.

Upon review, the Commission finds that because the Procedural Rules have not been amended for over a decade, it is appropriate to consider comprehensive amendments to the rules as a whole. However, because the proposed comprehensive changes to the rules substantially exceed the scope of this proposed rulemaking as it was noticed to the public, these proceedings will be dismissed, and a new case commenced, to be styled General Order No. 182.4, *In the matter of a proposed rulemaking to amend the Rules of*

Practice and Procedure, in which the Commission will propose new Procedural Rules. The new proceeding will include, but not be limited to, proposed changes in motion and pleading practice, proposed amendments to the requirements for the filing of applications for certificates of convenience and necessity by public utilities, and the filing of certificates of need by commercial solid waste facilities. By separate order, the new proceeding will be commenced, noticed state-wide, and provide a comment period during which interested parties may comment on the newly proposed rules.

Comments filed in this proceeding will be docketed in the new proceeding.

IT IS THEREFORE ORDERED that General Order Nos. 182.3 and 252 are hereby dismissed without promulgation of final rules.

IT IS FURTHER ORDERED that, upon entry hereof, these proceedings shall be removed from the Commission's docket of open cases.

IT IS FURTHER ORDERED that all comments to date in this proceeding shall be docketed in the newly instituted General Order No. 182.4.

IT IS FURTHER ORDERED that the Executive Secretary shall serve a copy of this Order upon the Office of the Secretary of State, upon all parties that filed comments in this proceeding by First Class United States Mail, and upon Commission Staff by hand delivery.

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A True Copy, Teste:



Sandra Squire
Executive Secretary