



STATE OF WEST VIRGINIA
PUBLIC SERVICE COMMISSION
CHARLESTON, 25305

June 11, 1981.

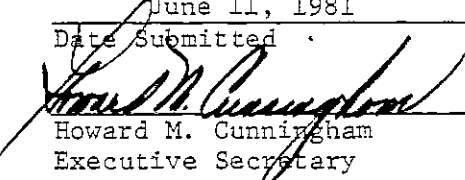
RECEIVED
81 JUN 11 9:40
OFFICE
SECY. OF STATE

STATE REGISTER FILING

I, Howard M. Cunningham, Executive Secretary, Public Service Commission of West Virginia, hereby submit to record in the State Register on 8-1/2" x 11" paper, two (2) copies of a final rule adopted by the Commission entitled M.C. General Order No. 58, in the matter of revision of the rules and regulations for the government of the construction and filing of tariffs of public utilities and common carriers by motor vehicle.

This rule is filed in the Office of the Secretary of State, State of West Virginia, pursuant to the requirements of Chapter 29A, Article 3, Section 10, Code of West Virginia, and shall become effective within sixty (60) days of June 11, 1981, or August 10, 1981, as provided by Chapter 24, Article 1, Section 7, Code of West Virginia.

June 11, 1981
Date Submitted


Howard M. Cunningham
Executive Secretary

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA, at the Capitol
in the City of Charleston on the 11th day of June, 1981.

M.C. GENERAL ORDER NO. 58
In the matter of revision of the
Rules and Regulations for the
Government of the Construction and
Filing of Tariffs of Public Utilities
and Common Carriers by Motor Vehicle.

COMMISSION ORDER ADOPTING RULE

On April 23, 1981, this Commission entered an order in the above-styled and
numbered case which amended M.C. Rule 19-A Optional Rate Procedure for Small Motor
Carriers, contained in the Rules and Regulations for the Government of the Construc-
tion and Filing of Tariffs of Public Utilities and Common Carriers by Motor Vehicle.

The order of April 23, 1981 required the Executive Secretary of the Commission
to cause the proposed amended M.C. Rule 19A to be filed in the State Register and
with the Governor pursuant to West Virginia Code Section 29A-3-8 and to attach thereto
a notice stating that interested parties may submit data, objections, suggested
amendments, views, evidence and arguments, in writing, concerning the proposed
changes to the Public Service Commission of West Virginia, which comments were to
be submitted not later than May 22, 1981, all pursuant to W.Va. Code Section 29A-3-8.

The order of April 23, 1981, further required the Executive Secretary of the
Commission to cause a copy of the aforementioned notice to be published in newspapers
published in each county of the State, one time, said publication to be made not later
than May 10, 1981.

Notice was given as required, both by filing and publication.

FINDING OF FACT

No comments were received by the Commission regarding the proposed amended
M.C. Rule 19A Optional Rate Procedure for Small Motor Carriers, contained in the
Rules and Regulations for the Government of the Construction and Filing of Tariffs
of Public Utilities and Common Carriers by Motor Vehicle.

CONCLUSION OF LAW

No comments having been received by the Commission which stated objections,
opposing views or suggested amendments to the proposed amended M.C. Rule 19A, M.C.

RECEIVED
91 JUN 11 9:45
SECY. OF STATE

Rule 19A, as amended in the Commission order of April 23, 1981, should be finally adopted as M.C. Rule 19A Optional Rate Procedure for Small Motor Carriers, contained in the Commission's Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carriers by Motor Vehicle.

ORDER

IT IS, THEREFORE, ORDERED that M.C. Rule 19A Optional Rate Procedure for Small Motor Carriers, as amended in the Commission's order of April 23, 1981, in the above styled and numbered case be, and it hereby is, finally adopted as M.C. Rule 19A Optional Rate Procedure for Small Motor Carriers, contained in the Commission's Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carriers by Motor Vehicle. and is attached hereto as Appendix A.

A TRUE COPY

TESTE:


HOWARD M. CUNNINGHAM
Executive Secretary

M.C. 19-A Optional Rate Procedure for Small Motor Carriers

The following shortened procedure may be used by a small motor carrier for making application for change of rates.

1. For the purpose of this section, a small motor carrier shall be all those carriers with gross revenues less than \$200,000 annually. Where motor carriers are affiliated with other motor carriers, either through common ownership, management or otherwise, the total revenues of all the affiliates shall be considered. Where motor carriers are operating in more than one regulatory jurisdiction, the total revenues of all jurisdictions shall be considered. However, the Commission may, upon petition, good cause appearing therefor, exempt any applicant from the requirements of this section for the purpose of enabling said applicant to otherwise qualify for said procedure.
2. Any qualified small motor carrier desiring to proceed under this section shall file with the Commission its application and supporting financial data therefor, as required by P.S.C. W. Va. M.C. Tariff Form No. 11.
3. When the application is filed, the Commission shall investigate the applicant's earnings, revenue requirements, adequacy of rates, condition of equipment and quality of service. After such investigation, the Commission will issue an order approving or denying, or approving in part and denying in part, the proposed rates. Any rate or rates so approved shall not become effective sooner than thirty (30) days after the first publication of notice as hereinafter required, unless otherwise ordered.
4. Upon receipt of the Commission's order the applicant shall give notice to its customers of any rate or rates so approved by publishing notice once a week for two successive weeks in a newspaper published and of general circulation in each of the counties in which the carrier regularly operates; provided, however, that when not more than twenty customers will be so affected by the proposed change, it shall be sufficient within the meaning of this paragraph if typewritten or printed notice is mailed by the carrier to each of its customers so affected. The notice shall be in the form prescribed in M.C. Tariff Form No. 10 which will be mailed to the applicant along with the Commission's order and staff audit report.
5. The Commission may, in its discretion, upon the receipt of written objection by the applicant or protest by the customer, or upon written request for hearing, filed within the time period prescribed, schedule the matter for hearing. If a hearing is deemed necessary, the applicant will be informed to give notice thereof in the form prescribed in Tariff Form 10-A, which will be mailed to the applicant with the Commission's order. The applicant may make written request to place into effect interim rates set by the Commission pending disposition of objection or protest.
6. Nothing in this procedure shall prohibit an applicant from seeking additional rate relief through application

as prescribed in M.C. Rules 19 through 21 or upon notice as prescribed in M.C. Rules 22 through 27.

7. Nothing in this procedure shall prohibit a customer of the applicant from pursuing any remedy he would normally have under the law within the jurisdiction of the Commission.

It should be clear to an applicant that the intent of M.C. Rule 19-A is to allow simplified rate filings and to enable the Commission's Staff to provide advice and assistance in the preparation of supportive financial data. The applicant is expected to cooperate to the fullest extent. Supporting records such as invoices, payroll records and quarterly reports should be readily available in proper order for verification to the applicant's books.

P.S.C. W. Va. M.C.
Tariff Form No. 11

APPLICATION TO CHANGE RATES
(MOTOR CARRIER M.C. TARIFF RULE 19-A)

STATE OF WEST VIRGINIA
THE PUBLIC SERVICE COMMISSION

1. THE CERTIFICATE HOLDER IS:

Certificate Number(s) _____

Name _____

Address _____

Telephone Number _____

2. THE PERSON RESPONSIBLE FOR THE BOOKS AND RECORDS IS:

Name _____

Address _____

Telephone Number _____

3. LIST A COMPLETE SCHEDULE OF THE APPLICANT'S PROPOSED RATES. Attach a schedule if the space below is not sufficient. However, if the Applicant chooses to omit this section, the form will be accepted for filing.

4. ATTACH A COPY OF THE APPLICANT'S MOST RECENTLY FILED FEDERAL INCOME TAX RETURN.

(If not available, include an explanation, and substitute a statement of income and expenses for the most recent accounting year used by the carrier for bookkeeping purposes.)

Signature of Owner or Officer