

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

Form #2

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FILED  
1991 MAY -8 PM 2:00  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: Public Service Commission of West Virginia TITLE NUMBER: ~~000~~ 150

RULE TYPE: Legislative; CITE AUTHORITY SS 24-1-7, 24-2-2, 24-2-12

AMENDMENT TO AN EXISTING RULE: YES  NO  24A-1-1, 24A-2-3, 24A-2-5, 24A-3-3, 24A-3-6, & 24A-5-5

IF YES, SERIES NUMBER OF RULE BEING AMENDED: II

TITLE OF RULE BEING AMENDED: Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carriers by Motor Vehicle.


IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

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 July 10, 1991 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Howard M. Cunningham  
Executive Secretary  
Public Service Commission  
P.O. Box 812  
Charleston, WV 25323

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

  
Boyce Griffith, Chairman

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

## SUMMARY OF PROPOSED RULES

The Commission has recently reexamined the Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carriers by Motor Vehicle and determined that these rules require certain revisions. The rules were last revised to be effective on July 31, 1983, and the Commission believes that further revision will benefit utilities, motor carriers, and the general public. The purposes of these proposed legislative rules are to amend and reenact existing Commission rules and regulations pertaining to the data requirements that must accompany all tariff filings, rate change applications, and petitions to approve initial rates for utilities and motor carriers. Specifically, the proposed rules will significantly reduce these data requirements in some cases.

FISCAL NOTE

This is a fiscal note issued pursuant to §§24-1-7, 24-2-12, 24A-1-1, 24-2-3, 24A-3-65, and 24A-5-5 of the West Virginia Code, as these sections are read in pari materia, with §§29A-3-1 through 29A-3-9 of the West Virginia Code, relating to General Order No. 166.9 and Motor Carrier General Order No. 58.1, In the Matter of Commission Proposed Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carriers by Motor Vehicle, which were last amended in 1983, effective July 31, 1983.

I. OBJECTIVES OF THE RULE

The purposes of this proposed legislative rule are to amend and reenact existing Commission rules and regulations pertaining to financial data requirements imposed on utilities and motor carriers upon certain tariff changes. It would reduce those requirements in certain cases.

II. COST OF IMPLEMENTING THE PROPOSED RULES:

A. Cost of Implementation for the State:

There will be no implementation cost relating to this rulemaking for the State of West Virginia, other than the costs related to this rulemaking proceeding.

B. Cost of Implementation for Persons Affected by the Proposed Rule:

The Commission is of the opinion that no additional costs will be incurred by utilities or motor carriers as a result of the implementation of these rules. In fact, the purpose of these rules is to reduce costs for utilities and motor carriers normally associated with affecting tariff filings, rate changes or establishing new rates.

III. THE EFFECT THIS MEASURE WILL HAVE ON THE COSTS OR REVENUES OF STATE GOVERNMENT (Information required by fiscal notes for either House of the Legislature.)

If these proposed legislative rules are adopted in their entirety, any effect on gross revenues flowing to the Commission will be de minimus in nature. Administration costs should experience a de minimus reduction.

IV. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS

The Commission foresees that there may be some unpredictable positive economic impact of this rule on the State and on its residents since the changes proposed by this rulemaking may be reflected in rates charged by utilities and motor carriers serving customers in West Virginia.

DATE: May 8, 1991 AGENCY: Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE: 

19. INFORMATION TO BE SUBMITTED WITH FILING OF TARIFF OR APPLICATION TO INITIATE OR CHANGE RATES

19.1 RULE 42. The information required by this rule represents the MINIMUM data that must accompany all tariff filings, applications for authority to change rates and charges or applications for approval of initial rates. If a utility fails to comply with this rule the tariff filing or application shall not be received or considered by the Commission but shall be returned to the utility.

Each utility, at the time it files a tariff for initial rates or stating changes in rates or an application for authority to change rates and charges for furnishing service, or an application for approval of initial rates and charges, shall present the schedules and exhibits upon which it intends to rely in support of its application or filing. Such schedules and exhibits shall include, but not necessarily be limited to, the minimum requirements outlined in Statements A to G, inclusive.

Deletion of any required schedule as outlined in this rule shall cause the tariff filing or application to be returned as unacceptable.

Provided, however, this rule shall not apply to tariff changes which clarify existing tariff provisions or which add new services which are optional and have no impact on present customers. In addition the carrier may seek waiver from the provisions of this rule for tariff changes which reflect de minimus changes in practices, where good cause can be shown. Such requests for waiver for good cause shall be accompanied by explanatory information including the reasons for the proposed clarification or change; the class or classes of customers affected; the extent to which such customers will be affected; the net financial effect of the proposed clarification or change; and a verification of such information by appropriate company official.

35. INFORMATION TO BE SUBMITTED WITH FILING OF TARIFF OR APPLICATION TO INITIATE OR CHANGE RATES

35.1 M.C. RULE 42. The information required by this rule represents the MINIMUM data that must accompany all tariff filings, applications for authority to change rates and charges or applications for approval of initial rates. If a carrier fails to comply with this rule, the tariff filing or application shall not be received or considered by the Commission but shall be returned to the carrier.

Each common carrier by motor vehicle, at the time it files a tariff for initial rates or stating changes in rates or an application for authority to change rates and charges for furnishing service, or an application for approval of initial rates and charges, shall present schedules and exhibits upon which it intends to rely in support of its application or filing. Such schedules and exhibits shall include, but not necessarily be limited to, the minimum requirements outlined in Statements A to J, inclusive.

Deletion of any required schedule as outlined in this rule shall cause the tariff filing or application to be returned as unacceptable, unless said deletion is corrected immediately.

Filing shall be in such form and contents so as to provide the Commission with sufficient information with which to evaluate the request of the applicant. Information shown in financial statements (prior to adjustments) shall originate from the applicants general records.

The information required by this rule shall be furnished as a minimum requirement. Other information shall be provided as deemed appropriate by the applicant or as requested by the Commission. Provided, however, this rule shall not apply to tariff changes which clarify existing tariff provisions or which add new services which are optional and have no impact on present customers. In addition the carrier may seek waiver from the provisions of this rule for tariff changes which reflect de minimus changes in practices, where good cause can be shown. Such requests for waiver for good cause shall be accompanied by explanatory information including the reasons for the proposed clarification or change; the class or classes of customers affected; the extent to which such customers will be affected; the net financial effect of the proposed clarification or change; and a verification of such information by appropriate company official.

Eight copies of the filing shall be submitted to the Commission.

All adjustments to test year data must be based on known and measurable changes. All adjustments must be clearly

and fully explained in detail. Grouping of two or more adjustments into a single net adjustment will not be permitted.

TEST PERIOD: Actual audited or finally closed experience for the most recent fiscal year (twelve month period used by the carrier for accounting and tax purposes) available shall be used in preparing statements A through J inclusive. All adjustments for known and measurable changes in revenues and cost shall be clearly and fully explained. If the carrier has been in operation less than twelve (12) months, estimates covering the period in which actual experience was not available, may be used in preparing the statements. The bases, procedure and data used to prepare such estimates shall be submitted in such detail as to permit ready analysis of the estimates.