

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

Form #2

FILED  
1990 SEP 28 14 11:33

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

AGENCY: PUBLIC SERVICE COMMISSION TITLE NUMBER: 150

RULE TYPE: LEGISLATIVE; CITE AUTHORITY §24-1-1, 24-1-7, 24-2-1

AMENDMENT TO AN EXISTING RULE: YES  NO  and 24-2-2

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Optional Rate Procedure  
for Small Utilities.

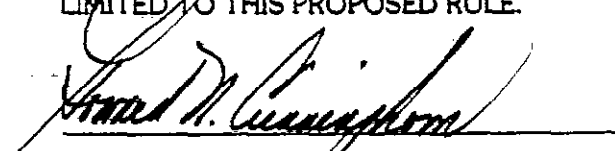
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

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 October 30, 1990 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

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

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



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA LEGISLATIVE RULE  
PUBLIC SERVICE COMMISSION  
CHAPTER 24-1  
SERIES II

FILED

1990 SEP 28 AM 11:33

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

RULES AND REGULATIONS FOR  
THE GOVERNMENT OF THE  
CONSTRUCTION AND FILING OF TARIFFS  
OF PUBLIC UTILITIES AND  
COMMON CARRIERS BY MOTOR VEHICLE

1. GENERAL

1.1 SCOPE - These rules govern the construction and filing of tariffs of public utilities in West Virginia subject to the jurisdiction of the Public Service Commission of West Virginia pursuant to West Virginia Code §24-2-1.

1.2 AUTHORITY - West Virginia Code §§24-1-1, 24-1-7, 24-2-1, 24-2-2 and 24A-1-1.

1.3 FILING DATE -

1.4 EFFECTIVE DATE -

1.5 REPEAL OF FORMER RULE - This legislative rule does not repeal a former rule but amends the gross revenue limitation which qualifies small utilities for the optional rate procedure under §150-2-8.2.

8.2 RULE 19-A. Optional Rate Procedure for Small Utilities

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

(1) For the purpose of this section, a small utility shall be all those utilities with gross revenues less than \$300,000 ~~\$200,000~~ annually. Where utilities are affiliated with other utilities, either through common ownership, management or otherwise, the total revenues of all the affiliates shall be considered. Where utilities 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) No application shall be accepted from a utility which has not filed its most recent Annual Report as required by applicable Commission Rules and Regulations. Annual Reports which have been found to be unacceptable shall not be considered as properly filed.

(3) Any qualified small utility 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. Tariff Form No. 11.

(4) Any request for increased rates in conjunction with major construction and financing shall not be permitted under Rule 19-A, regardless of the size of the utility. This includes any project requiring approval of the Department of Health, Department of Natural Resources, or any Federal Agency.

(5) When the application is filed, the Commission shall investigate the applicant's earnings, revenue requirements, adequacy of rates, and quality of service. After such investigation, the Commission will issue an order setting rates or 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.

(6) 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 customers reside; 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 utility to each of its customers so affected. The notice shall be in the form prescribed in Tariff Form No. 10 which will be mailed to the applicant along with the Commission's order and staff audit report.

(7) 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 No. 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 the objection or protest.

(8) Nothing in this procedure shall prohibit an applicant from seeking additional rate relief through application as prescribed in Rules 19 through 21 or upon notice as prescribed in Rules 22 through 27.

(9) 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 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.

FILED

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DEPT. OF REVENUE  
SECRET

IN THE MATTER OF amending the  
gross revenue limitation on  
the optional rate procedure  
for small utilities.

FISCAL NOTE

This is a fiscal note issued pursuant to §§29A-3-4, 5 and 9 and 24-1-7 of the West Virginia Code, relating to General Order No. 166.8.

I. OBJECTIVES OF THE RULE

To increase the gross revenue limitation which qualifies small utilities for the optional rate review procedure under §150-2-8.2 of the Public Service Commission's Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carriers by Motor Vehicle.

II. COST OF IMPLEMENTING THE PROPOSED RULES

There will be no significant implementation cost relating to the rulemaking for the State of West Virginia or for the persons affected by the proposed rules.

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.)

This rulemaking will have no effect on the cost and revenues of State Government.

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

The effect of this rulemaking will be to allow more small utilities to utilize shortened, optional rate filing and review procedures before the Commission. This will have a beneficial impact on residents of this State who are customers of small utilities since rate case expenses, which are included in rates, will be lessened for those utilities which qualify.

DATE 9/28/90 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

[Handwritten Signature]