

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: PUBLIC SERVICE COMMISSION TITLE NUMBER: 150

CITE AUTHORITY: West Virginia Code Sections 24-1-1, 24-1-7, 24-2-1, and 24-2-2.

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

24-1-7

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

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 ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS March 4, 1991


Howard M. Cunningham, Executive
Secretary

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

FILED
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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 - January 3, 1991

1.4 EFFECTIVE DATE - March 4, 1991

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 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.

KEN HECHLER
Secretary of State

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(Plus all the volunteer
help we can get)

TO: Lisa Green
AGENCY: PSC
FROM: JUDY COOPER, DIRECTOR ADMINISTRATIVE LAW DIVISION
DATE: December 4, 1991

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 2 TITLE Govt of Construction & Filing of Tariffs of Public Utilities & Common Carriers by Motor Vehicle
* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____
TITLE OF PERSON SIGNING: _____
DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.
SIGNED: [Signature]
TITLE OF PERSON SIGNING: General Counsel
DATE: 6-3-92