

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 of West Virginia FILE NUMBER: 150
CITE AUTHORITY: §§ 24-1-1, 24-1-7, 24-2-1, 24-2-2, 24A-1-1 and 24A-2-4a
of the West Virginia Code
RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§ 24-1-7 of the West Virginia Code

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

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 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 February 26, 1990

Oliver D. Casto

ABSTRACT OF PROMULGATION HISTORY

On April 8, 1989, the West Virginia Legislature passed Enrolled Committee Substitute for Senate Bill No. 301 which, inter alia, provided for the pass-through of increases in landfill tip fees as rate surcharges for motor carriers of solid waste pursuant to newly enacted §24A-2-4a of the West Virginia Code.

On April 24, 1989, Governor Caperton signed into law Enrolled Committee Substitute for Senate Bill No. 301. On April 28, 1989, the Commission, in M.C. General Order No. 65, promulgated emergency rules setting forth the procedures for the filing of the tip-fee rate-surcharge application, pursuant to §29A-3-15. In that order, the Commission stated that it would "initiate regular rulemaking procedures to promulgate final rules and give notice of the public comment period soon after the filing of these emergency rules".

Accordingly, on June 27, 1989, the Commission, in M.C. General Order No. 65.1, promulgated its proposed final rule to implement §24A-2-4a. The "Notice of a Comment Period on a Proposed Rule", attached thereto, stated that any interested person could send written comments concerning the proposed rule to the Executive Secretary of the Commission until July 28, 1989, at 4:00 p.m.

The only written comment that was submitted to the Commission was a letter, received on July 21, 1989, favoring the proposed surcharge provision. Therefore, on December 26, 1989, the Commission adopted the rule hereinafter set forth as Section 13.4 of the Rules and Regulations for the Government of the Construction and Filing of Tariff of Public Utilities and Common Carriers by Motor Vehicle as the final rule of the Commission to become effective on February 26, 1990.