



STATE OF WEST VIRGINIA  
PUBLIC SERVICE COMMISSION  
CHARLESTON, 25305

August 12, 1981

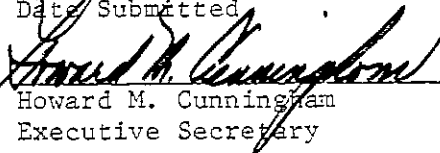
STATE REGISTER FILING

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 an amended Rule 30-D of 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. This Rule finally adopts the proposed Rule which was filed in the State Register on June 16, 1981.

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 will become effective within sixty (60) days of August 12, 1981, or October 11, 1981, again as provided by Chapter 29A, Article 3, Section 8.

August 12, 1981

Date Submitted

  
Howard M. Cunningham  
Executive Secretary

General Order No.184.3

FILED IN THE OFFICE OF  
SECRETARY OF STATE  
THIS DATE 8/2/81

FILED IN THE OFFICE OF  
SECRETARY OF STATE  
AUG 12 1981

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 12th day of August, 1981.

GENERAL ORDER NO. 184.3

In the matter of Revision of the Rules  
and Regulations for the Government of  
the Construction and Filing of Tariffs  
by Public Utilities and Common Carriers  
by Motor Vehicle, Specifically to Amend  
Rule 30-D.

COMMISSION ORDER ADOPTING RULE

On June 16, 1981, this Commission entered an order in the above-styled and  
numbered case which, among other things, purported to amend Rule 30-D of the Com-  
mission's Rules and Regulations for the Government of the Construction and Filing  
of Tariffs of Public Utilities and Common Carriers by Motor Vehicle.

The order of June 16, 1981, required the Executive Secretary of the Commission  
to cause the proposed amendment to said Rule 30-D, attached to the order of June 16,  
1981, to be filed in the State Register and with the Governor pursuant to West Vir-  
ginia Code Section 29A-3-8 and to attach thereto a notice stating that interested  
parties may submit data, objections, suggested amendments, views, evidence and argu-  
ments, in writing, concerning the proposed amendment to the Public Service Commis-  
sion of West Virginia, which comments were to be submitted not later than July 16,  
1981, all pursuant to W.Va. Code Section 29A-3-8.

The order of June 16, 1981, further required the Executive Secretary of the  
Commission to cause a copy of the aforementioned notice to be published in newspapers  
published in the Cities of Charleston, Huntington, Wheeling, Parkersburg, Clarksburg,  
Morgantown, Martinsburg, Lewisburg, Logan, Princeton and Beckley, not later than  
June 30, 1981.

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

FINDING OF FACT

No comments were received by the Commission which opposed the proposed amend-  
ment to Rule 30-D of 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.

CONCLUSION OF LAW


No comments having been received by the Commission which stated objections, opposing views or suggested amendments to the proposed amendment of Rule 30-D of 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, Rule 30-D as amended in the Commission's order of June 16, 1981, should be finally adopted as Rule 30-D of 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 Rule 30-D as amended in the Commission's order of June 16, 1981, in the above-styled and numbered case, be, and it hereby is, finally adopted as Rule 30-D of 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

APPENDIX A

RULE 30-D  
FERC APPROVED WHOLESALE POWER INCREASES

This rule sets forth a procedure for changing the rates per kilowatt hour (Kwh) charged to retail customers by non-generating electric utilities based exclusively on fuel cost allowances for suppliers of wholesale power approved by the Federal Energy Regulatory Commission. The Public Service Commission of West Virginia may interpret this rule if necessary and may require appropriate action based upon such interpretations. The Commission reserves the authority under its general power to review any information filed under this rule and to order appropriate changes based upon applications before the Commission.

DEFINITIONS

"FERC" means the Federal Energy Regulatory Commission.

"Non-generating electric utility" means an electric utility subject to the jurisdiction of this Commission whose sole source of electric power is the purchase of power from one or more wholesale suppliers.

"Adjustment period" means the six consecutive calendar months during which a non-generating electric utility must charge the adjusted rate determined under this rule.

"Wholesale rate" means the rate per kilowatt hour charged by a wholesale supplier of electric power to a non-generating electric utility as approved by FERC.

"Fuel cost" means that portion of a supplier's wholesale rate specifically attributed by FERC to changes in the supplier's cost of fuel under the provisions of the federal fuel adjustment clause.

APPLICATION

A non-generating electric utility which has not already filed an initial application under this rule may apply to the Commission for permission to change its rate per kilowatt hour based upon changes in the fuel portion of the wholesale rate charged by a supplier of power. The application shall be filed no later than forty-five days prior to the first day of the adjustment period. The application shall state the actual fuel cost rate charged to the utility by each supplier of power in each of the six months preceding the month in which the application is filed, the actual volume of power purchased from each supplier and the amount of power sold during such months, and such other information as the Commission may require.

CONTINUING APPLICATION

If the Commission approves an initial application filed under this rule, the non-generating electric utility that filed the application shall file a similar application not later than forty-five days preceding the first day of the next succeeding adjustment period and each succeeding adjustment period. A utility may cease filing applications for succeeding adjustment periods only with the prior approval of the Commission.

HEARING

Prior to the first day of the adjustment period, the Commission shall require notice and provide a hearing on the application filed under this Rule. After the hearing the Commission may authorize a change in the utility's tariff necessary to reflect fuel cost related changes in the wholesale rate paid by the utility for purchased power and shall reflect any cumulative underrecovery or overrecovery of fuel expense experienced by the utility in past periods under this Rule, taking into consideration taxes and line losses as appropriate. Such authorization shall apply to rates charged by the utility during the adjustment period.

EXCLUSIVE REMEDY

A non-generating electric utility shall use the procedure provided in this rule rather than the procedure provided in Rule 30-B of the Commission to obtain interim changes in its tariff reflecting fuel cost related portions of the wholesale rate paid by the utility for purchased power.