

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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1989 DEC -6 PM 3:06
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Public Service Commission TITLE NUMBER: 150

RULE TYPE: Legislative; CITE AUTHORITY SS24-1-7, 24-2-11A(h)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Rules and Regulations for the
Government of Electric 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 January 6, 1989 AT 5:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Howard Cunningham
201 Brooks Street
P. O. Box 812
Charleston, WV 25323

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

Michael D. Green

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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OFFICE OF THE SECRETARY OF STATE

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

RULES AND REGULATIONS FOR THE
GOVERNMENT OF ELECTRIC UTILITIES

§150-3-1 GENERAL

- 1.1 This proposed legislative rule establishes the requirements for the marking of electric transmission lines crossing above the Ohio River which must be marked to be made visible to airborne traffic flying in any area where such lines exist pursuant to West Virginia Code §24-2-11a(h).
- 1.2 Authority - West Virginia Code, §24-1-7 and §24-2-11a(h).
- 1.3 Filing Date - December 6, 1988
- 1.4 Effective Date -

§150-3-8 SAFETY REQUIREMENTS

8.06 MARKING ELECTRIC TRANSMISSION LINES AFFECTING NAVIGABLE AIRSPACE ABOVE THE OHIO RIVER

- (1) Every electric transmission line crossing above the Ohio River shall be marked in compliance with the rules and regulations of the Federal Aviation Administration (FAA) applicable to obstruction marking and lighting; which said rules are found in FAA Advisory Circular 70/7460-16 as issued October, 1985, and as it may be amended from time to time by the FAA or its successor in office. All such lines shall comply with the FAA regulations at the time they are constructed.
- (2) Any electric transmission line crossing above the Ohio River which heretofore has been struck by airborne traffic shall, notwithstanding these rules, be marked by the means designated by the FAA to indicate a river crossing electric transmission line.

FISCAL NOTE

This is a fiscal note issued pursuant to §§24-1-7 and 24-2-12 of the West Virginia Code, relating to General Order No. 184.7 amending Rules and Regulations for the Government of Electric Utilities.

I. OBJECTIVES OF THE RULE

The purpose of the proposed amendment is to accommodate W.Va. Code §24-2-11a(h) which requires the Public Service Commission to determine, in its discretion, which transmission line or lines crossing above the Ohio River must be marked to be made visible to airborne traffic flying in any area where such line exists, pursuant to rules and regulations adopted by the Public Service Commission.

II. COST OF IMPLEMENTING THE PROPOSED RULES

A. Cost of Implementation for the State:

There will be minimal implementation cost relating to this rulemaking for the State of West Virginia.

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

The Commission is of the opinion that any additional costs incurred by electric utilities as a result of the implementation of this rule will be de minimis.

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

There will be no economic impact if the proposed rule is adopted on either the State or its residents.

DATE: December 6, 1988

AGENCY: Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE:

Michael D. Green