

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

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1988 OCT -7 AM 9:50

OFFICE OF THE SECRETARY OF STATE
SECRETARY OF STATE

NOTICE OF AN EMERGENCY RULE

AGENCY: Public Service Commission of West Virginia TITLE NUMBER: 150

CITE AUTHORITY: §§24-1-7, 24-2-11A(h)

EMERGENCY 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 RULE BEING FILED AS AN EMERGENCY: _____

TITLE OF RULE BEING FILED AS AN EMERGENCY: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Legislative enactment requires promulgation of rules in time frame less than available under rulemaking procedure. See accompanying copy of General Order 184.7.

Use Additional Sheets If Necessary.

Michael B. Green
CHAIRMAN

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OFFICE OF THE SECRETARY OF STATE

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TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

RULES AND REGULATIONS FOR THE
GOVERNMENT OF ELECTRIC UTILITIES

§150-3-1 GENERAL

- 1.1 This emergency 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 - October 7, 1988
- 1.4 Effective Date - October 7, 1988

§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: October 7, 1988

AGENCY: Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE:

Michael D. Green