

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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1990 MAY 18 AM 9:35

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Public Service Commission of West Virginia TITLE NUMBER: 150
RULE TYPE: Legislative; CITE AUTHORITY W.Va. Code §§24-1-1, 24-2-1
AMENDMENT TO AN EXISTING RULE: YES NO 24-2-2, 24-2-7, 24-2-8
IF YES, SERIES NUMBER OF RULE BEING AMENDED: XII 24-2-9; 49 U.S.C. §11501;
TITLE OF RULE BEING AMENDED: Rules and Regulations for the Government
of Intrastate Rail Transportation
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 June 18, 1990 AT 5:00 p.m.

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

Howard M. Cunningham, Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street
P.O. Box 812
Charleston, WV 25323

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

BAH

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Brief Summary of Proposal

This rulemaking amends the Commission's Rules and Regulations for the Government of Intrastate Rail Transportation to incorporate changes in federal statute and in decisions of the Interstate Commerce Commission (ICC) since the original adoption of said rules. This amendment is mandatory if the Commission is to retain its certification by the ICC to regulate intrastate rail rates, classifications, rules and practices pursuant to 49 U.S.C. §11501(b)(5)(A).

PSC
Leg Rule/Adm. Reg. 24-1
Series XII

IN THE MATTER OF Rules and Regulations for the Government of
Intrastate Rail Transportation

FISCAL NOTE

This is a fiscal note issued pursuant to West Virginia Code §§29A-3-4, 5 and 9 and West Virginia Code §24-1-7, relating to the Commission's General Order No. 208.4.

I. OBJECTIVES OF THE RULES

This rulemaking will bring into conformity with federal standards the Commission's rules regarding intrastate rail transportation.

II. COST OF IMPLEMENTING THE PROPOSED RULES

There will be no significant implementation cost relating to the rulemaking for the State of West Virginia or for the persons affected by the proposed rules.

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 significant economic impact on the state or its residents as a result of this rulemaking.

DATE May 18, 1990 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE



PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHAPTER 24-1
SERIES XII

TITLE: Rules and Regulations for the Government of Intrastate
Rail Transportation

1.00 GENERAL

1.01 SCOPE

- (1) Public Law 96-448, "The Staggers Rail Act of 1980", requires the states which wish to retain jurisdiction over intrastate rail transportation to bring their standards and procedures for regulating railroad rates, classifications, rules and practices into conformity with the Interstate Commerce Act. It is the intent of Congress that railroad companies receive adequate revenues through regulatory encouragement of modal competition, rate flexibility, and relaxed rate reasonableness standards.
- (2) Mindful of this Commission's obligations to safeguard the public's interests, it shall henceforth be the policy of the Public Service Commission of West Virginia to regulate railroad matters in a manner consistent with the standards and procedures set forth by Congress in the Interstate Commerce Act. Moreover, where state and federal standards and procedures differ, federal standards will control, particularly those set forth in the decision of the Interstate Commerce Commission in State Intrastate Rail Rate Authority, 5 I.C.C.2d 680 (1989).