

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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FILED

AUG 26 3 23 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: PUBLIC SERVICE COMMISSION TITLE NUMBER: 150CSR

CITE AUTHORITY H.B. 4171; WEST VIRGINIA CODE §24-6-10

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: RULES AND REGULATIONS FOR THE
GOVERNMENT OF TELEPHONE UTILITIES

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

[Handwritten Signature]

3-80

FISCAL NOTE

P.S.C.
Series VI

IN THE MATTER of reference to the Commission's Rules and Regulations for the Government of Telephone Utilities, G.O. NO. 187.11.

I. OBJECTIVES OF THE RULE

The purpose of this rulemaking is to comply with the Legislative directive contained with H.B. 4171 pertaining to the restricted use of the number "911" in the name of title of a person or organization.

II. COST OF IMPLEMENTING THE PROPOSED RULES:

There will be no significant implementation cost relating to this rulemaking for the State of West Virginia. The Commission does not anticipate additional costs to be incurred by the rulemaking.

III. THE EFFECT THIS MEASURE WILL HAVE ON THE COSTS OF REVENUES OF STATE GOVERNMENT (Information required by fiscal notes for either house of the Legislature.)

This rulemaking will have no effect on the costs or revenues of state government.

IV. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS

This rulemaking will have no significant economic impact on the state or its residents.

DATE: August 26, 1996

AGENCY: Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE:


BOYCE GRIFFITH, Chairman

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 26th day of August, 1996.

CASE NO. G.O. 187.11
IN THE MATTER OF Commission
proposed rules amending the
Rules and Regulations for the
Government of Telephone
Utilities: Series 6.

COMMISSION ORDER ADOPTING FINAL RULES

On March 9, 1996, the West Virginia Legislature passed H.B. 4171 to be in effect 90 days from passage. The legislation adds a new section to the W.Va. Code §24-6-10. The legislation prohibits the use of the number "911" in the name or title of a person or organization except for certain specific purposes.

The legislation directs the Public Service Commission to propose rules for legislative promulgation in accordance with Code, Chapter 29a, Article 3, regarding the acceptable use of "911".

By order issued July 1, 1996, the Commission proposed rules to implement the legislative intent expressed in H.B. 4171. In that order, the Commission established a thirty (30) day comment period and directed that any comments be filed no later than July 31, 1996 by 4:00 p.m. The Acting Executive Secretary was instructed to provide public notice in newspapers of various locations in the State.

DISCUSSION

A review of Secretary's file in this matter reveals that the Acting Executive Secretary has caused sufficient legal notice to be published concerning this proposed rule making proceeding.

The Commission has not received any comments from any parties concerning the proposed rule. Consequently, the Commission believes that it is appropriate to proceed with its final adoption of the rule and submit the same to the Secretary of State's Office for submission to the Legislation pursuant to Legislative rulemaking review procedure.

FINDINGS OF FACT

1. By order dated July 1, 1996, the Commission proposed rules which placed into effect the Legislative intent embodied in H.B. 4171. (Order, July 1, 1996).

2. The Commission requested comments on the proposed rulemaking no later than July 31, 1996 by 4:00 p.m. (Order, July 1, 1996).

3. The Acting Executive Secretary has cause a sufficient legal notice to be given of the proposed rules. (See affidavits of publication contained in the file).

4. The Commission has received no comments in response to the notice in proposed rules. (File).

CONCLUSIONS OF LAW

1. The Commission concludes that the proposed rulemaking implements the provisions of H.B. 4171 as intended by the West Virginia Legislature.

2. Based its review of the proposed rules and the fact that it has received no public comment concerning the proposed rules, the Commission believes that it is reasonable to adopt the proposed rules as final rules.

ORDER

IT IS, THEREFORE, ORDERED that the attached rules be, and they hereby are, adopted as final Commission rule subject to Legislative rulemaking review as expressed in H.B. 4171.

IT IS FURTHER ORDERED that the Commission's Acting Executive Secretary serve a copy of this order and attached rule, together with the required forms, with the Office of the Secretary of State.

IT IS FURTHER ORDERED that the Commission's Acting Executive Secretary serve a copy of this order upon all local exchange telephone utilities in West Virginia as well as the Consumer Advocate Division and Staff.

A True Copy, Teste:



Pamela J. Hicks
Acting Executive Secretary

H:\HOME\DTOLLIVE\GO18711

DATE:

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: PUBLIC SERVICE COMMISSION

LEGISLATIVE RULE TITLE: 150CSR 6

1. Authorizing statute(s) citation H.B. 4171 Enacted March 9, 1996; West Virginia Code §24-6-10

2. a. Date filed in State Register with Notice of Hearing July 1, 1996

b. What other notice, including advertising, did you give of the hearing?

Legal Advertisements statewide

c. Date of Hearing(s) Comments were to be submitted by July 31, 1996 by 4:00 P.M.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

Aug. 26, 1996

f. Name and phone number(s) of agency person(s) to contact for additional information:

RICHARD E. HITT, General Counsel (304)340-0317

201 Brooks Street, Charleston, WV 25323

c/o West Virginia Public Service Commission

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

Not Applicable

b. Date of hearing: Not Applicable

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

Not Applicable

d. Attach findings and determinations and reasons:

Attached Not Applicable

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6/25/96

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

AUG 26 3 23 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 6
RULES AND REGULATIONS FOR THE GOVERNMENT
OF TELEPHONE UTILITIES

9.5. Prohibition regarding use of the number "911".

9.5.1. No person or organization of any kind may use the number "911" in their title or name unless the person or organization is authorized to provide emergency telephone services for firefighting, law enforcement and/or medical personnel by means of the operation of or oversight over one or more local emergency telephone systems as the same are defined in Article 6, Chapter 24 of the West Virginia Code.

9.5.2. Except as specified below, no person or organization may use the designation "911" for any purpose other than to promote the education of the public regarding "911" service or to otherwise provide information pertaining to local emergency telephone systems as the same are defined in Article 6, Chapter 24 of the West Virginia Code.

9.5.3. No person or organization may use such numbers which are similar to "911" to deceive the public regarding the user's affiliation with the provision of emergency telephone services for firefighting, law enforcement and/or medical personnel.

9.5.4. These rules shall not affect motor vehicle license plate numbers issued by the Division of Motor Vehicles, nor shall it affect race cars that use a "911" logo when the number is not used for purpose of deceiving the public that the operator or owner operates "911" services.

SUMMARY OF THE RULE

The purpose of this rulemaking is to implement the intent of the Legislature when it passed H.B. 4171 on March 9, 1996. The legislation adds a new section to West Virginia Code §24-6-10. The legislation and the rulemaking prohibits the use of the number "911" in the name or title or organization except for certain specific purposes. The legislation directed the Commission to propose Rules for legislative promulgation. These Rules are submitted in accordance with that legislative directive.

Public Service Commission

Richard E. Hitt, General Counsel



201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0317
FAX: (304) 340-0372

August 26, 1996

Judy Cooper, Director
Administrative Law Division
Secretary of State's Office
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770


Re: 150CSR6; G.O. 187.11
PSC Telephone Rules

Dear Judy:

Enclosed for filing please find the final Order of the Commission adopting its proposed rulemaking which I submitted to you on July 1, 1996, in the referenced matter. The Commission has made no changes to the proposed rule and received no comments concerning the proposed rulemaking.

I have further enclosed a brief summary of the rule; the notice of agency approval of a proposed rule and filing with the legislative rulemaking review committee; a fiscal note; and a LRMRC questionnaire.

Thank you for your consideration of this matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

RICHARD E. HITT
General Counsel
(304) 340-0317

REH/mh
Enclosures

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