

SUMMARY OF PROPOSED RULE

The Commission Staff has petitioned the Commission to amend the Rules and Regulations for the Government of Public Service Districts.

The purpose of the proposed amendment is to accommodate W.Va. Code §16-13A-2 which requires a County Commission to file any orders creating, expanding, merging, consolidating, reducing or dissolving a public service district with the Public Service Commission for approval pursuant to rules and regulations adopted by the Public Service Commission.

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. 229.3 Petition for Amendment of the Rules and Regulations for the Government of Public Service Districts.

I. OBJECTIVES OF THE RULE

The purpose of the proposed amendment is to accommodate W.Va. Code §16-13A-2 which requires a County Commission to file any orders creating, expanding, merging, consolidating, reducing or dissolving a public service district with the Public Service Commission for approval pursuant to rules and regulations adopted by the Public Service Commission.

II. COST OF IMPLEMENTING THE PROPOSED RULESA. Cost of Implementation for the State:

There will be no 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 public service districts 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 November 13 1987 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

William D. Guen

FILED

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TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

RULES AND REGULATIONS FOR THE
GOVERNMENT OF PUBLIC SERVICE DISTRICTS

§150-17-1 GENERAL

- 1.1 Scope - This legislative rule establishes the procedure and requirements for county plans relating to the creation, consolidation, merger, expansion or dissolution of public service districts, or the merger of management and administrative services and personnel, to be submitted by the county commission or performed by the Public Service Commission of West Virginia, pursuant to West Virginia Code §16-13A-1b, and for the operation and government of public service districts pursuant to the legislative mandate of Code §16-13A-1, et seq.
- 1.2 Authority - West Virginia Code §24-1-1, §24-1-7, §16-13A-1, §16-13A-1a, §16-13A-1b, and §16-13A-2.
- 1.3 Filing Date - November 13, 1987
- 1.4 Effective Date -
- 1.5 Except as herein modified, these rules incorporate by reference the Commission's Rules and Regulations for the Government of Water Utilities (Series VII) and Rules and Regulations for the Government of Sewer Utilities (Series V.).

§150-17-6 CREATION, EXPANSION, MERGER, CONSOLIDATION, REDUCTION OR
DISSOLUTION OF PUBLIC SERVICE DISTRICTS.

- 6.1 Upon entering an order or receipt of a petition proposing the creation, expansion, merger, consolidation, reduction or dissolution of a public service district, pursuant to West Virginia Code §16-13A-2, the county commission shall notify the Executive Secretary of the Public Service Commission of the time and place of the hearing to be held by the county commission and shall file a copy with such order or petition with the Executive Secretary of the Public Service Commission at least ten (10) days prior to such hearing.

- 6.2 The county commission shall file an order creating, expanding, merging, consolidating, reducing or dissolving a public service district with the Executive Secretary of the Public Service Commission within ten days of entering such order.
- 6.3 A hearing shall be held in the county affected by a county commission order filed pursuant to Rule 6.2. Such hearing may be waived if the county commission order is entered for the purpose of executing the county plan as required by West Virginia Code §16-13A-1b and as finally adopted and approved by the Public Service Commission.
- 6.4 After public comment and hearing the Public Service Commission shall, by order, approve, disapprove or modify a county commission order creating, expanding, merging, consolidating, reducing or dissolving a public service district. In deliberating on approval, modification or disapproval the Public Service Commission may consider, among other things:
- a. Whether or not the county commission order is consistent with the county plan required by West Virginia Code §16-13A-1b as approved by the Public Service Commission;
 - b. the public convenience and necessity;
 - c. the economic feasibility, including sources of funding, costs and related benefits of the county commission's order;
 - d. the adequacy of facilities;
 - e. other facilities in the area; and
 - f. other possible alternatives.