

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #5

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FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE Jan. 15, 1988  
ADMINISTRATIVE LAW DIVISION

Title 150.17

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

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

CITE AUTHORITY: §§24-1-7, 24-2-12

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE §24-1-7  
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES x, NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 17

TITLE OF RULE BEING AMENDED: Rules and Regulations for  
the Government of Public Service Districts

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS March 15, 1988

Michael D. Gunn

GENERAL ORDER NO. 229.3

Petition to commence rulemaking  
proceeding to amend the Commission's  
Rules and Regulations for the  
Government of Public Service Districts.

ABSTRACT OF PROMULGATION HISTORY

On March 8, 1986, the West Virginia Legislature passed Enrolled Committee Substitute for Senate Bill 191 which amended several sections of Chapter 16 of the West Virginia Code. Specifically Code §16-13A-2 now 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.

On October 6, 1987, the Staff of the Public Service Commission petitioned the Commission to commence rulemaking proceedings for the purpose of amending the Rules and Regulations for the Government of Public Service Districts.

On November 13, 1987, the Commission issued General Order 229.3 which promulgated a proposed change to the Public Service District Rules. All interested parties desiring to comment on the proposed rule were provided the opportunity to submit written comments to the Commission on or before December 14, 1987.

Upon review of the single comment received, the Commission adopts the proposed Rule as the final rule without modification. Therefore on January 15, 1988, the Commission adopted the rules hereinafter set forth as the final rules of the Commission, to become effective sixty (60) days after promulgation, in accordance with W.Va. Code §24-1-7.

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 January 15, 1988 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Michael D. Green

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WEST VIRGINIA LEGISLATURE RULE  
PUBLIC SERVICE COMMISSION  
CHAPTER 24-1  
SERIES XVII

TITLE: .. Rules and Regulations for the Government of Public  
Service Districts

SECTION

1.0 GENERAL

2.0 PROCEDURE FOR COUNTY PLANS

3.0 COUNTY PLANS

4.0 COMMISSION APPROVAL OF COUNTY PLAN, NOTICE AND HEARING  
IMPLEMENTATION

5.0 FORMS

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE

THIS DATE Jan. 15, 1958  
ADMINISTRATIVE LAW DIVISION

150 CSR 17

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.