



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Public Service Commission TITLE-SERIES: 150-30

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Rules Governing Siting Certificates for Exempt
Wholesale Generators

CITE STATUTORY AUTHORITY: 24-2-11c

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 19, 2020

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

**Jane Neal -- By my signature, I certify that I am the person authorized to file
legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 30
RULES GOVERNING SITING CERTIFICATES FOR
EXEMPT WHOLESALE GENERATORS

§150-30-1. General.

1.1. Scope. -- This legislative rule applies to any entity that intends to construct, or construct and operate, an electric generating facility as described in W.Va. Code §24-2-1(d). This rule does not apply to net-metering facilities covered by tariffs approved by this Commission.

1.2. Authority. -- W. Va. Code §24-2-11c.

1.3. Filing Date. -- March 20, 2020

1.4. Effective Date. -- May 19, 2020

§150-30-2. Definitions.

2.1. EWG facility - An electric generating facility to be located in West Virginia that has been designated as an exempt wholesale generator under federal law, or will be so designated prior to commercial operation of the facility. As used herein, this term shall also include any Transmission support line associated with the EWG facility.

2.2. Siting certificate - A certificate issued by the Public Service Commission of West Virginia authorizing the construction and/or operation of an electric generating facility that is an exempt wholesale generator in the State.

2.3. 24-2-1(d) generating facility - An electric generating facility, including an EWG facility which is, or will be, located in West Virginia that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both such sales at retail and such sales at wholesale.

2.4. Transmission support line - A transmission line of less than 200 thousand volts that, except for Rule 3.5., would be certificated by the Commission pursuant to W.Va. Code §24-2-11, and not pursuant to W.Va. Code §24-2-11a.

§150-30-3. Pre-filing and Filing Requirements.

3.1. Any entity intending to file an application for a Siting certificate pursuant to W.Va. Code §24-2-11c shall, at least thirty days prior to the date it intends to file its application, give the Commission notice of its intent to file an application by filing with the Commission's Executive Secretary, an original and twelve (12) copies of, a letter of notification. The Commission may modify or waive this requirement. A prefiling notice shall expire after 90 days.

3.2. An applicant for a Siting certificate may request that information it files in response to discovery requests, or pursuant to Rules 4.1.1. through 4.1.5. hereof, be accorded proprietary treatment. The Commission will review such requests pursuant to applicable statutory and case law. Any party asserting confidentiality for such information must:

3.2.1 File with the Executive Secretary's office an unredacted hard copy version of each document that contains the confidential information and clearly marks each page, including cover page, for which a confidential designation is claimed, with a bold header stating "Confidential Version." In addition, all information for which confidential treatment is requested must be identified with the use of bold double square brackets ([[]) at the beginning and end of redacted material in the public version. The party claiming confidentiality should restrict its designations to encompass only the specific information that it asserts is confidential. If a confidential designation is challenged, the party claiming confidentiality shall have the burden to prove that the documents designated as confidential fall under the standards for nondisclosure enunciated in the West Virginia Freedom of Information Act, W.Va. Code §29B-1-1, et.seq. and that the designation is narrowly tailored to encompass only confidential information.

3.2.2 File with the Executive Secretary's office a public version of each document containing confidential information that redacts any confidential information and clearly marks each page, including the cover page, of the redacted public version with a bold header stating "Public Version." The redaction may be actual blacked-out sections, or, blank sections beginning and ending with bold double square brackets and the phrase "redacted material" within the brackets. The redaction shall cover the entire length of redacted text.

3.2.3 The confidential version must be filed on the same day as the public, redacted version.

3.3. Within 90 days following the filing of a notice of intent pursuant to Rule 3.1., an applicant shall file with the Commission's Executive Secretary an original and twelve (12) copies of its application for a Siting certificate. To be acceptable, an application shall include a completed Form No. 1 attached to these Rules and a completed Form No. 2. When preparing Form No. 2, the applicant should leave blank the date of the order and the case number. When the Executive Secretary has assigned a case number, a completed Form No. 2 will be issued to the applicant as an order requiring publication of the Notice of Filing either as a Class I legal advertisement (if the application is for a Siting certificate and/or a transmission support line) or a Class II legal advertisement (if the application is for both a Siting certificate and a certificate of public convenience and necessity to construct an associated transmission line of 200,000 volts or over). Publication shall be made in newspapers of general circulation in each county in which all or a portion of the proposed 24-2-1(d) generating facility, and, if applicable, a 200,000 volts or over transmission line, is located or will be located and in a newspaper published and of general circulation in Kanawha County. The applicant shall file proof of publication provided by the newspaper(s) with the Commission as soon as possible after the Notice of Filing is published.

3.4. When an applicant seeks authority to construct a 24-2-1(d) generating facility and related transmission facilities of 200,000 volts or greater, the applicant must simultaneously apply for both a Siting certificate for the 24-2-1(d) generating facility and a certificate of public convenience and necessity under W.Va. Code §24-2-11a for the 200,000 volts or greater transmission facilities. When such an application contains both a Siting certificate application and an application for a certificate of public convenience and necessity to construct a transmission line of 200,000 volts or greater the Commission will schedule proceedings to allow it to render its combined decision in both cases within three hundred (300) days of the application filing date.

3.5. When an applicant proposes to construct a Transmission support line, less than 200,000 volts, to be associated with a 24-2-1(d) generating facility, then the applicant shall not be required to file a separate application for a certificate of public convenience and necessity, pursuant to W.Va. Code §24-2-11. Rather, the Transmission support line shall be deemed to be an integral part of the 24-2-1(d) generating facility and will be evaluated by the Commission within the 300 day period set forth in W.Va. Code §24-2-11c, within the context of the Siting certificate application case. However, the applicant must include in its filing all of the information concerning the transmission line, as if it were a separate filing as required by the Rules for Government of Electric Utilities, 150 C.S.R. 3.

3.6. An applicant for a Siting certificate may request a waiver of any of the information requirements of Rules 4.1.1. through 4.1.5. of these Rules that is inapplicable to the proposed Siting certificate. The Commission will consider requests for waiver of Siting certificate requirements as to distributed energy generation facilities that are not net-metered on a case by case basis.

§150-30-4. Application.

4.1. In addition to Form No. 1, a completed application shall include the following:

4.1.1. Project summary and 24-2-1(d) generating facility overview. In general, the summary should be suitable as a reference for state and local governments and for the public. The summary and overview shall include the following:

4.1.1.a. A statement explaining the general purpose of the 24-2-1(d) generating facility;

4.1.1.b. A description of the proposed 24-2-1(d) generating facility;

4.1.1.c. A list of all required government (state, local, federal) approvals and/or permits for the 24-2-1(d) generating facility, and the filing status of each.

4.1.1.d. An explanation of the project schedule; and

4.1.1.e. Information filed by the applicant in response to the requirements of this section shall be deemed responses to any other section of the application requirements provided that a cross-reference notation is included in both locations.

4.1.2. Description of 24-2-1(d) generating facility.

4.1.2.a. Where applicable, for each generation unit, the type of unit, estimated net demonstrated capability, heat rate, expected annual capacity factor and expected hours of annual generation for each year of the first five years of operation;

4.1.2.b. Total 24-2-1(d) generating facility land area requirement;

4.1.2.c. Where applicable, fuel quantity. If dual fueled, provide quantity of each fuel. Indicate the maximum amount of fuel expected to be consumed in one hour at peak output and the expected amount of fuel consumed per year.

4.1.2.d. Fuel Storage. Indicate how much, if any, of each kind of fuel will be stored on and off site. Discuss the details of such storage arrangements including the expected number of days of fuel to be stored.

4.1.2.e. A list of expected air emissions and water discharges and, for each, the name of the federal and/or state regulatory authority from which a permit must be obtained, or, a statement that no permits from other federal and/or state regulatory authorities are required for those emissions and discharges.

4.1.2.f. Water requirement, source of water, treatment, quantity of any discharge and names of receiving streams;

4.1.3. A list of any interconnection studies required and the timetable for completion of those studies.

4.1.4. The projected date for placement of the 24-2-1(d) generating facility in service.

4.1.5. Technical data.

4.1.5.a. An aerial photograph for a one-mile radius from the boundaries of the 24-2-1(d) generating facility(ies). This photograph shall have been taken no earlier than one (1) year prior to the date the Siting certificate application is filed and the proposed facility location(s) should be clearly marked. The scale of the photograph must be indicated on the photograph.

4.1.5.b. Design and construction. Elevation view engineering drawings based on information on the proposed layout on the most current engineering design plans for the 24-2-1(d) generating facility, depicting the major structures and installations to be located thereon. With respect to any transmission line, the applicant shall provide plan view drawings depicting the alignment of the transmission line, transmission tower locations and likely variations thereof. Applicant shall also include elevation view drawings of the type of transmission tower likely to be used.

4.1.5.c. Site activities. A description of the proposed site preparation and reclamation operations, including:

- 4.1.5.c.1. Test boring;
- 4.1.5.c.2. Removal of vegetation;
- 4.1.5.c.3. Grading and drainage provisions;
- 4.1.5.c.4. Access roads;
- 4.1.5.c.5. Removal and disposal of debris; and
- 4.1.5.c.6. Post-construction reclamation.

4.1.5.d. Future plans.

4.1.5.d.1. A statement that the Applicant intends to be the entity that will own and operate the 24-2-1(d) generating facility into the future.

4.1.5.d.2. A description of any plans for future additions of generating units for the site, including the type and timing; and the maximum generating capacity anticipated for the site.

4.1.5.d.3. A description of post useful life demolition, removal, disposal, and restoration plans for facilities.

4.1.5.e. Equipment.

4.1.5.e.1. Generating equipment. A description of the proposed major generating equipment.

4.1.5.e.2. Emission control and safety equipment.

4.1.5.e.2.A. A description of all proposed major flue gas emission control equipment, including tabulations of expected efficiency, power consumption, and operating costs for supplies and maintenance;

4.1.5.e.2.B. A discussion of the reliability of the equipment and the reduction in efficiency for partial failure;

4.1.5.e.2.C. A description of the equipment proposed for control of effluents discharged into water bodies and receiving streams; and

4.1.5.e.2.D. A description of all proposed major public safety equipment.

4.1.5.e.3. A description of any other major equipment not discussed in paragraphs 4.1.5.e.2.C. and 4.1.5.e.2.D. of this rule.

4.1.5.f. Maps.

4.1.5.f.1. 5-mile radius Map. An ANSI size D map(s) of 1 inch: 4800 feet scale or larger containing at least a 5-mile radius from, and depicting, the proposed 24-2-1(d) generating facility and transmission lines, and showing the following features:

4.1.5.f.1.A. Major population centers and geographic boundaries;

4.1.5.f.1.B. Major transportation routes and utility corridors;

4.1.5.f.1.C. Bodies of water which may be directly affected by the proposed 24-2-1(d) generating facility;

4.1.5.f.1.D. Topographic contours;

4.1.5.f.1.E. Major institutions;

4.1.5.f.1.F. Incorporated communities; areas officially designated as public or private recreational areas, parks, forests, hunting or fishing areas, or similar facilities; historic scenic areas or places; places of religious worship; archaeological places; or places otherwise of cultural significance, including districts, sites, buildings, structures and objects which are recognized by, registered with, or identified as eligible for registration by the National Registry of Historic Places, or any state agency;

4.1.5.f.1.G. Land use and classifications; including residential, urban, manufacturing, commercial, mining, transportation, utilities, wetland, forest and woodland, pasture and crop land;

4.1.5.f.2. 1-Mile Radius Proposed 24-2-1(d) generating facility map. An ANSI size D map(s) of 1 inch:2000 feet scale or larger, which shall include the generation facility and transmission line site and at least a 1-mile radius thereof. This map shall show the following features:

4.1.5.f.2.A. The 24-2-1(d) generating facility;

4.1.5.f.2.B. Individual structures and installations required for construction or operation of the 24-2-1(d) generating facility that are outside the boundaries of the 24-2-1(d) generating facility.

4.1.5.f.2.C. Fuel, waste, and other storage facilities associated with the 24-2-1(d) generating facility;

4.1.5.f.2.D. Fuel and waste processing facilities, if any, associated with the 24-2-1(d) generating facility;

4.1.5.f.2.E. Water supply and sewage lines required by the 24-2-1(d) generating facility;

4.1.5.f.2.F. Transmission lines;

4.1.5.f.2.G. Substations, switchyards, and transformers into which transmission lines will connect;

4.1.5.f.2.H. Transportation facilities and access roads, required for the construction or operation of the 24-2-1(d) generating facility;

4.1.5.f.2.I. Grade elevations where modified during construction of the 24-2-1(d) generating facility; and

4.1.5.f.2.J. Other pertinent installations dedicated to the construction or operation of the 24-2-1(d) generating facility.

4.1.5. g. Impact. The applicant shall identify and describe the impact of the 24-2-1(d) generating facility on any public utilities, including but not limited to water utilities, sewer utilities, electric utilities, commercial solid waste facilities, natural gas utilities, and telephone utilities. The applicant shall further identify and describe the impact of the 24-2-1(d) generating facility on other generating facilities whether or not utility-owned.

4.1.5.h. Rendering of project.

4.1.5.h.1. Still renderings from all scenic overlooks and project views that will be most evident to the public, and which are accessible to the applicant, from which the 24-2-1(d) generating facility will be visible after construction.

4.1.5.h.2. Still renderings which show structures at ground level shall include a scaled representation of a 6 foot tall figure in near proximity to such structures to allow the viewer to clearly see the scale of the project structures.

4.1.5.i. Hydrology.

4.1.5.i.1. The natural and the man-affected water budgets, including the ten-year mean and critical (lowest seven-day flow in ten years) surface flows and the mean and extreme water tables during the past ten years, to the extent records exist, for each surface water body and sub-surface water sources likely to be directly affected by the proposed 24-2-1(d) generating facility;

4.1.5.i.2. Existing maps of aquifers which may be directly affected by the proposed 24-2-1(d) generating facility;

4.1.5.i.3. A description of how the project and the water use identified in Rule 4.1.2.f. will affect the identified water sources.

4.1.5.j. Financial and Economic data.

4.1.5.j.1. Debt and Equity Capital.

4.1.5.j.1.A. Estimates of the amounts of debt and equity capital for the project.

4.1.5.j.1.B. A description of any agreements with public entities and whether such agreements would transfer to a future purchaser(s) of the 24-2-1(d) generating facility.

4.1.5.j.1.C. If the project will have any funding from public sources, either initially or in the future, the amount and terms for such funding must be fully disclosed. Such disclosure shall include a listing of each source of public funding, a description of the public funding and a copy of the written agreement(s) setting forth the terms and conditions for the public funding. For purposes of this paragraph, public funding shall include:

4.1.5.j.1.C.1. loans, grants or contributions from the State or Federal government, any sub-division of the State or any public Board, Commission or similar entity;

4.1.5.j.1.C.2. leases or other uses of property owned by the State, any sub-division of the State or any public Board, Commission or similar entity;

4.1.5.j.1.C.3. abatement of any taxes.

4.1.5.j.2. Local and State Economic Impact. Estimates of the effect of the project on the local and state economy as well as the model used to derive the estimates. Such estimates shall cover the construction phase of the project and the ongoing impacts after construction. Such estimates shall include but not be limited to: (i) the impact on local employment (including the number and expected payroll value of added jobs), both directly and indirectly related to the project; (ii) the impact on all local and state taxes, both directly and indirectly related to the project; (iii) the impact on local commercial business activity including tourism; (iv) the impact on area property values; and (v) the impact on existing infrastructure. The baseline data used to provide this information shall come from existing sources, and the applicant is not required to conduct new demographic or socio-economic research.

4.1.5.k. Environmental data.

4.1.5.k.1. Species. With respect to the geographic area where the 24-2-1(d) generating facility will be located, an affidavit listing any and all permits that the applicant will be required to obtain from the US Fish and Wildlife Service, the West Virginia Department of Natural Resources, or any other government authority, with respect to threatened or endangered species. The affidavit shall include a statement that the applicant will comply with all permitting, and/or "taking" requirements of such other governmental agencies.

4.1.5.k.2. View.

4.1.5.k.2.A. Operation.

4.1.5.k.2.A.1. A description of the expected impacts of 24-2-1(d) generating facility operations on the viewshed within a one-mile radius of the proposed 24-2-1(d) generating facility;

4.1.5.k.2.A.2. A description of the expected impacts of 24-2-1(d) generating facility operations on the viewshed within a five-mile radius of the proposed 24-2-1(d) generating facility;

4.1.5.k.2.A.3. For structures higher than 300 feet, a description of the expected impacts of operation on the viewshed within a 20-mile radius around the proposed 24-2-1(d) generating facility;

4.1.5.k.2.A.4. A description of any plans to mitigate the impact of operations on the viewshed.

4.1.5.k.3. Noise.

4.1.5.k.3.A. Preconstruction. A noise exposure map of the noise present prior to construction containing contour lines of equal noise at and up to one mile from the 24-2-1(d) generating facility's property line. The increment of equal noise levels will be no more than 3db. Noise will be shown as average Day-Night Sound Levels (DNL). Noise events during the night (Defined as 10:00pm to 6:59am) shall be weighted (or penalized) by 10db to reflect the greater perceived impact of noise during the night. The base line noise study conducted to develop this map shall be no less than seven days including Saturday and Sunday. The map shall show all noise sensitive areas within one mile of the 24-2-1(d) generating facility's property line and shall indicate whether such structure is residential, commercial or industrial. Current land uses shall also be designated.

4.1.5.k.3.B. Operation.

4.1.5.k.3.B.1. A predictive noise study and a noise exposure map of the noise expected to be present during operation containing contour lines of equal noise at and up to one mile from the 24-2-1(d) generating facility's property line. The increment of equal noise levels will be no more than 3db. Noise will be shown as average DNL. The noise exposure map will take into account all aspects of operation including but not limited to generating equipment, processing equipment and associated road traffic during operations. Noise events during the night (Defined as 10:00pm to 6:59am) shall be weighted (or penalized) by 10db to reflect the greater perceived impact of noise during the night.

4.1.5.k.3.B.2. The map shall show all noise sensitive areas within one mile of the 24-2-1(d) generating facility's property line and shall indicate whether each structure is residential, commercial or industrial. Current land uses should also be designated.

4.1.5.k.3.B.3. A description of equipment and procedures to mitigate the effects of noise emissions from the proposed 24-2-1(d) generating facility during operation.

4.1.5.k.3.B.4. For purposes of the predictive noise study and maps, noise sensitive areas shall include, but not be limited to, hospitals, schools, residences, cemeteries, parks, and places of religious worship.

4.1.5.k.4. Traffic.

4.1.5.k.4.A. Preconstruction. A description of existing pre-construction traffic near the site to provide baseline traffic calculations.

4.1.5.k.4.B. Construction.

4.1.5.k.4.B.1. A description of any substantial increases in traffic levels expected on a daily and hourly basis;

4.1.5.k.4.B.2. A map showing each road described and the location of the access points to those roads into or out of the 24-2-1(d) generating facility.

4.1.5.k.4.B.3. A description of any plans to mitigate the impact of any substantial increases in traffic with respect to traffic sensitive areas within a 5-mile radius of the proposed 24-2-1(d) generating facility during construction.

4.1.5.k.4.C. Operation.

4.1.5.k.4.C.1. A description of any substantial increases in traffic levels expected on a daily and hourly basis on roads within a 5-mile radius of the proposed 24-2-1(d) generating facility;

4.1.5.k.4.C.2. Provide a map showing each road described and the location of the access points to those roads into or out of the 24-2-1(d) generating facility;

4.1.5.k.4.C.3. A description of any plans to mitigate the effects of substantial increases in traffic attributable to project operations with respect to traffic sensitive areas within a 5-mile radius of the proposed 24-2-1(d) generating facility.

4.1.5.l. Land Uses.

4.1.5.l.1. Identification of structures that will be removed or relocated;

4.1.5.l.2. A description of formally adopted plans for future use of the site and surrounding lands for anything other than the proposed 24-2-1(d) generating facility.

§150-30-5. Application Fee.

5.1. Each application filed pursuant to section 3.1 et seq. of these rules shall be accompanied with an application fee equaling the lesser of \$500.00 per megawatt or \$200,000.00.

§150-30-6. Requirements of Other Agencies and Conditions.

6.1. If the applicant has not obtained required permits or approvals from other governmental agencies prior to the Commission issuing a decision, the Commission may issue a Siting certificate contingent upon receipt of such permits/approvals. The Commission may also grant a Siting certificate subject to other conditions determined to be reasonable and necessary by the Commission.

§150-30-7. Modification or Amendment to Siting Certificates.

7.1 An owner or operator of a 24-2-1(d) generating facility must obtain Commission approval prior to making any modifications related to any terms, conditions or limitations applicable to the construction and/or operation of the 24-2-1(d) generation facility specifically set forth in the Commission order, or prior to making any material modification to the 24-2-1(d) generating facility as approved by the Commission by constructing the facility using engineering design plans different from those filed with its original Siting certificate application, modifying the footprint of the 24-2-1(d) generating facility or increasing the transmission or generation of the 24-2-1(d) generating facility. If the owner or operator believes that, when considering the totality of the circumstances surrounding any such modification, the modification is not material it may petition the Commission for waiver of the requirement to obtain a modification or amendment to its Siting certificate. The Commission may deny or grant such request or it may limit the information required to be filed, depending on the circumstances of the proposed modification.

7.2. An owner or operator shall request Commission approval of a modification or amendment to a Siting certificate using Form No. 3, attached to these Rules.

7.3. Any application for Commission approval of a waiver or modification of a condition previously ordered by the Commission and accepted by the original applicant shall be accompanied with an application fee equaling the greater of \$1,000.00 or one tenth of one percent (.001) of the projected capital cost incurred or eliminated of by the proposed waiver or modifications, provided, however, that the fee shall not exceed \$200,000.00.

§ 150-30-8. Transfer or Assignment of Siting Certificate.

8.1. If an owner or operator of a 24-2-1(d) generating facility plans to transfer or assign its Siting certificate to another entity, the owner or operator shall, at least 30 days prior to the closing date of such transfer or assignment, provide the Commission with notice of the identity of the transferee, the mailing address of the transferee, the names and mailing addresses of the managing members or officers of the transferee, and an affidavit of the transferee stating that the transferee agrees that it is bound by all terms and conditions of the Siting certificate for the 24-2-1(d) generating facility.

§150-30-9. Civil Penalties.

9.1. Civil penalties imposed and collected by the Commission pursuant to W. Va. Code § 24-2-11c(f) shall be deposited in a special fund designated public service commission fund as established in subsection (a), section six [§24-3-6], article three of Chapter 24 of the West Virginia Code, to be used for the purposes set forth in that subsection.

Form No. 2
150CSR30

APPLICATION FOR A SITING CERTIFICATE

State of West Virginia
Public Service Commission
Charleston

Case No. _____

Application of _____ for an electric generating facility Siting certificate in the County of _____ [including a related ____ mile ____ kV (must be less than 200 kV) Transmission support line] or [and for a certificate of public convenience and necessity, pursuant to W. Va. Code § 24-2-11a, for a related ____ mile ____ kV transmission line to be located in the County(ies) of _____.]

Comes now the above-named _____, the applicant herein, and respectfully shows the Commission as follows:

1. That the name and address of the applicant are _____.
2. That the applicant proposed to _____ at _____ (city/town), in the County of _____.
3. Attached hereto is a copy of the effective charter of incorporation of the applicant.
4. A certificate should be issued for the following reasons:

_____.

Dated this _____ day of _____, _____.

(Signature of authorized representative of applicant)

Title of signer (President or other officer)

Attorney.

Address: _____

Form No. 2
150CSR30

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

Entered by the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston
on the ___ day of _____, 2____.

CASE NO. _____

[NAME OF APPLICANT]

[address of applicant]

Application for a Siting Certificate to Authorize the
Construction and Operation of a Wholesale Electric
Generating Facility in _____
County, West Virginia.

NOTICE OF FILING

[INSERT MAP]

On _____ [date], _____ (the Applicant), filed an application for
a Siting Certificate, pursuant to W. Va. Code § 24-2-11c, to authorize the construction and operation of an
electric wholesale generating facility (the Facility) [including a related transmission line of less than 200
kV in _____ County(ies)] or [and for a Certificate of Public Convenience and Necessity, pursuant to
W. Va. Code § 24-2-11a, to construct and operate a high voltage transmission line] in _____
County(ies).] The application is on file with and available for public inspection at the Public Service
Commission, 201 Brooks Street, in Charleston, West Virginia. Upon its completion, the Facility [and the
transmission line] will be used by the Applicant to generate electricity exclusively for wholesale in the
competitive wholesale market in West Virginia and other locations.

The Applicant is owned by _____. The Applicant proposes to construct a _____ MW
[type of generating facility proposed] electric generating facility and certain ancillary facilities, [and to
construct transmission lines to interconnect the Facility with _____] and related
appurtenances on a tract of land located _____.

The Applicant estimates that construction of the Facility will cost approximately
_____.

[The Applicant estimates that construction of the transmission line will cost less than
_____.]

The Applicant asserts that the Facility, including any associated transmission line(s) incidental to the
Facility and operating below 200,000 volts, are not West Virginia jurisdictional utility services provided
to the public, and there will be no impact to West Virginia ratepayers. Rates charged for electricity sold

Form No. 2
150CSR30

by the Facility will be subject to regulation by the Federal Energy Regulatory Commission ("FERC") Non-incident transmission lines operated above 200,000 volts will provide utility service subject to the jurisdiction of the FERC for wholesale transmission to entities other than end-users of electricity.

The Facility will be an exempt wholesale generator as defined under Section 32(a) of the Public Utility Holding Company Act of 1935 or other superseding federal law.

The Applicant will enter into an interconnection and operating agreement with PJM Interconnection, L.L.C., a regional transmission organization, which will govern the Facility's interconnection at _____ which is located _____ [describe proximity to the Facility]. The Applicant, or the purchasers of the electricity generated by the Facility, will enter into transmission service agreements with _____ to govern the transmission of the electricity across _____'s facilities. Such transmission of electricity will be subject to the terms of _____'s Open Access Transmission Tariff on file with the FERC. The transmission line will not compete with other utilities and will be for the sole purpose of transmitting the electricity generated at the Facility onto the grid for the wholesale market.

The solid black line on the above map indicates the location of the corridor in which the transmission line will be located. The corridor begins near _____ and proceeds directly to _____ [describe path of the line, length, compass directions].

Anyone desiring to protest or intervene should file a written protest or notice of intervention within 30 days following the date of this publication unless a later date is authorized by Commission order. Failure to timely protest or intervene can affect your right to protest aspects of this Siting certificate case for the Facility [and this Certificate of Public Convenience and Necessity case for the transmission line], or to participate in future proceedings. All protests or requests to intervene should briefly state the reason for the protest or intervention. Requests to intervene must comply with the Commission's rules on intervention set forth in the Commission's Rules of Practice and Procedure. All protests and interventions should be addressed to Executive Secretary, P. O. Box 812, Charleston, West Virginia 25323.

In the absence of substantial protests within said thirty (30) day period, the Commission may waive formal hearing and grant the application based on the evidence submitted with said application and its review thereof.

[NAME OF APPLICANT]

Form No. 3
150CSR30

APPLICATION FOR MODIFICATION TO
OR AMENDMENT OF A SITING CERTIFICATE

State of West Virginia
Public Service Commission
Charleston

Case No. _____

Application of _____
for modification to or amendment of an existing electric generating facility Siting certificate in the
County of _____ [and for modification to or
amendment of an existing certificate of public convenience and necessity for a related ____ mile ____
kV transmission line located in the County(ies) of _____.]

Comes now the above-named _____, the applicant herein, and
respectfully shows the Commission as follows:

1. That the name and address of the applicant are _____
_____.

2. That the applicant proposes to _____
_____ at _____ (city/town), in the County of _____
_____.

3. Attached hereto is a copy of the effective charter of incorporation of the applicant.

4. Commission approval of the requested modification or amendment should be granted for the
following reasons:

_____.

Dated this _____ day of _____, _____.

(Signature of authorized representative of applicant)

Title of signer (President or other officer)

Attorney.

Address: _____