WEST VIRGINIA CODE: §5b-2N-4

§5B-2N-4. Designation of sites suitable for electric generation projects.

(a) Following identification of economically viable sites that may be suitable for electric generation projects, the Director of the Office of Energy shall identify and designate each site it has determined to be suitable for coal, geothermal, hydrogen, hydropower, natural gas, or nuclear electric generation projects as a "designated site", and shall communicate the designated sites to the West Virginia Department of Environmental Protection's Division of Air Quality and the West Virginia Public Service Commission as sites suitable for the construction and operation of coal, geothermal, hydrogen, hydropower, natural gas, or nuclear electric generation projects.

(b) Any application for a siting certificate pursuant to §24-2-11c of this code filed with the Public Service Commission to construct or to construct and operate a coal, geothermal, hydrogen, hydropower, natural gas, or nuclear electric generation project at a designated site shall be adjudicated, inclusive of public hearings, and a final order issued by the Public Service Commission, within 270 calendar days after the date of the filing of the application, notwithstanding the requirements of any other provision of this code.

(c) Nothing in this section is intended to preclude, modify, or establish new Public Service Commission jurisdiction over:

(1) Any exercise of powers, duties, and obligations pursuant to the West Virginia Public Energy Authority Act;

(2) The right of end-user consumers of electricity to develop, invest in, or otherwise contract for on-site electric self-generation or cogeneration facilities, including those utilizing natural gas as a fuel source;

(3) This section does not alter, modify, or cancel any existing cogeneration tariffs authorized by the Public Service Commission; and

(4) This section does not authorize the sale of electricity to end-users in the state.

(d) Where a designated site has been identified, in accordance with §22-5-11b(b) of this code, as a location where additional data would be helpful for modeling or other evaluation of the potential emission of a coal, geothermal, hydrogen, hydropower, natural gas, or nuclear electric generation project, the Office of Energy may consult with or retain such experts as are necessary to acquire such data.

WV Legislature