

WEST VIRGINIA CODE: §64-10-5

§64-10-5. Public Energy Authority.

The legislative rule filed in the State Register on September 7, 2023, authorized under the authority of §5D-1-5c of this code, relating to the Public Energy Authority (rule to petition the Public Energy Authority for approval of decommissioning or deconstruction activities related to any coal, oil, or natural gas fueled power plant, 53 CSR 05), is authorized with the following amendments:

On page 3, by striking out subsection 4.3 in its entirety and inserting in lieu thereof a new subsection 4.3 to read as follows:

“4.3. One paper copy and one electronic PDF version of the Notice shall be filed with the Authority, in addition to the requirements set forth in subsections 6.1., 6.2., 6.3., and 6.4. of this rule.”;

On page 7, subsection 5.3. by striking out the word “five (5)” and inserting in lieu thereof “20”;

On page 7, subdivision 5.3.1. by striking out the word “five (5)” and inserting in lieu thereof “20”;

On page 7, subdivision 5.3.3. by striking out the words “Eight (8) copies” and inserting in lieu thereof the words: “One paper copy and one electronic PDF version”;

On page 7, by striking out subdivision 6.2.1. in its entirety;

On page 7, subsection 6.3., after the word “A”, by striking the word “copy” and inserting in lieu thereof the words “paper copy or electronic PDF version”;

On page 8, subsection 7.6., by striking out the words “not to exceed three (3) pages”;

On page 8, subdivision 8.1.3. by striking out the words “three-page”;

On page 8, by inserting a new subdivision, designated 8.1.4, to read as follows:

“8.1.4. The Authority shall make a decision on the Petition within one year after the submission of the Petition.”;

On page 9, by striking out subsection 9.2. and subdivision 9.2.1. in their entirety and inserting in lieu thereof the new subsections 9.2. and 9.2.1. to read as follows:

9.2. A Petitioner may redact or withhold any confidential or proprietary information that the Petitioner cannot legally disclose. The Petitioner shall include with the petition a letter

generally describing the nature of the information redacted or withheld and the legal justification for the redaction or withholding of the information.

9.2.1. The Authority may determine in executive session what additional information is exempt from public disclosure under the West Virginia Freedom of Information Act and may make any additional redactions prior to publishing the Petition on the Authority's website.

And,

On page 9, by adding a new section, designated §53-5-10 to read as follows:

"§53-5-10. Appeals.

10.1. All proceedings in the appeal of the Authority's actions concerning a Petition or the proceedings therefore, and any judicial review thereof, shall be conducted in accordance with the provisions of §29A-5-1 *et seq.* of this code and any procedural rules adopted pursuant thereto."