WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED
SENATE BILL NO. 247
(By Mr. Dates)

PASSED _______April 14_______ 1973

In Effect _______from______ Passage

Filed in the Office
Edgar F. Heiskell III
Secretary of State
This Date 5/3/73
ENROLLED
Senate Bill No. 247
(By Mr. Oates)

[Passed April 14, 1972; in effect from passage.]

AN ACT to amend article two, chapter twenty-four of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new section, designated section
eleven-a; and to amend article two, chapter fifty-four of said
code by adding thereto a new section, designated section
two-a, all relating to requiring certificate of public conven­
ience and necessity from public service commission prior to
constructing high voltage power transmission line; proce­
dures before commission; publication of notice of petition;
providing hearing on request; approval, alteration or denial
of certificate; exempting certain projects; rules and regula­
tions of commission; and requiring copy of certificate to be
appended to petition for eminent domain.

Be it enacted by the Legislature of West Virginia:

That article two, chapter twenty-four of the code of West
Virginia, one thousand nine hundred thirty-one, as amended, be
amended by adding thereto a new section, designated section
eleven-a; and that article two, chapter fifty-four of said code
be amended by adding thereto a new section, designated section
two-a, all to read as follows:

CHAPTER 24.  PUBLIC SERVICE COMMISSION.

ARTICLE 2.  POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-11a.  Requirement for certificate of public convenience
and necessity before beginning construction of high
voltage transmission line; contents of application;
notice; hearing; criteria for granting or denying
certificate; regulations.
(a) No public utility, person or corporation shall begin construction of a high voltage transmission line of two hundred thousand volts or over, which line is not an ordinary extension of an existing system in the usual course of business as defined by the public service commission, unless and until it or he shall have obtained from the public service commission a certificate of public convenience and necessity approving the construction and proposed location of such transmission line.

(b) The application for such certificate shall be in such form as the commission may prescribe and shall contain:

1. A description, in such detail as the commission may prescribe, of the location and type of line facilities which the applicant proposes to construct;
2. A statement justifying the need for such facilities;
3. A statement of the environmental impact of such line facilities; and
4. Such other information as the applicant may deem relevant or the commission may require.

(c) Upon the filing of such application, the applicant shall publish, in such form as the commission shall direct, as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, the publication area for such publication to be each county in which any portion of the proposed transmission line is to be constructed, a notice of the filing of such application and that the commission may approve the same unless within fifteen days after completion of publication a written request for a hearing thereon has been received by the commission from a person or persons alleging that the proposed transmission line or its location is against the public interest. If such request be timely received, the commission shall set the matter for hearing on a date within sixty days from completion of said publication, and shall require the applicant to publish notice of the time and place of hearing in the same manner as is herein required for the publication of notice of the filing of the application.

(d) Within sixty days after the filing of said application, or if hearing shall be held thereon, within ninety days after
final submission on oral argument or brief, the commission may approve the application if it shall find and determine that the proposed transmission line:

(1) Will economically, adequately and reliably contribute to meeting the present and anticipated requirements for electric power of the customers served by the applicant or is necessary and desirable for present and anticipated reliability of service for electric power for its service area or region; and

(2) Will result in an acceptable balance between reasonable power needs and reasonable environmental factors.

(e) The commission may impose conditions upon its approval of the application, or modify the applicant's proposal, to achieve an acceptable balance between reasonable power needs and reasonable environmental factors.

(f) The provisions of this section shall not apply to the construction of line facilities which will be part of a transmission line for which any right-of-way has been acquired prior to the first day of January, one thousand nine hundred seventy-three.

(g) The commission shall prescribe such rules and regulations as it may deem proper for the administration and enforcement of the provisions of this section, which rules and regulations shall be promulgated in accordance with the applicable provisions of chapter twenty-nine-a of this code as if the same were set forth herein in extenso.

CHAPTER 54. EMINENT DOMAIN.

ARTICLE 2. PROCEDURE.

§54-2-2a. Additional requirement for condemnation proceeding for right-of-way for certain high voltage transmission line.

In addition to the requirements set forth in section two of this article, a public utility, person or corporation required under section eleven-a, article two, chapter twenty-four of this code to obtain a certificate of public convenience and necessity for the construction and location of a high voltage transmission line, shall file a certified or attested copy of
such certificate with its petition to condemn real or personal property for the construction of such high voltage transmission line. Failure to file such certified or attested copy of such certificate shall result in dismissal of the petition.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

N. Darrel Darby  
Chairman Senate Committee

Clarence C. Christian Jr.  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Harriet L. Barlow  
Clerk of the Senate

A. Blankenship  
Clerk of the House of Delegates

W. F. Scott, Jr.  
President of the Senate

Louis J. B. Brown  
Speaker House of Delegates

The within ........................................ approved this the 21st day of April, 1973.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR

Date 4/27/73
Time 10:39 a.m.

RECEIVED

MAY 3 9:34 AM '73

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA