WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

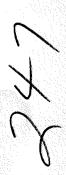
ENROLLED

SENATE BILL NO. 247

(By Mr. _ Oates ____)

PASSED ____afril14,___ 1973
In Effect _____pom__ Passage

FILED IN THE OFFICE EDGAR F. HEISKELL III SECRETARY OF STATE THIS DATE 5/3/23



ENROLLED

Senate Bill No. 247

(By Mr. Oates)

[Passed April 14, 1973; 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 convenience and necessity from public service commission prior to constructing high voltage power transmission line; procedures before commission; publication of notice of petition; providing hearing on request; approval, alteration or denial of certificate; exempting certain projects; rules and regulations 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.
- 10 (b) The application for such certificate shall be in such 11 form as the commission may prescribe and shall contain:
- 12 (1) A description, in such detail as the commission may 13 prescribe, of the location and type of line facilities which the 14 applicant proposes to construct;
- 15 (2) A statement justifying the need for such facilities;
- 16 (3) A statement of the environmental impact of such line 17 facilities; and
- 18 (4) Such other information as the applicant may deem 19 relevant or the commission may require.
- 20 (c) Upon the filing of such application, the applicant shall publish, in such form as the commission shall direct, 21 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 24 in which any portion of the proposed transmission line is to 2.5 be constructed, a notice of the filing of such application and 26 that the commission may approve the same unless within 27 28 fifteen days after completion of publication a written 29 request for a hearing thereon has been received by the 30 commission from a person or persons alleging that the 31 proposed transmission line or its location is against the 32 public interest. If such request be timely received, the 33 commission shall set the matter for hearing on a date 34 within sixty days from completion of said publication, and shall require the applicant to publish notice of the time 35 36 and place of hearing in the same manner as is herein required for the publication of notice of the filing of the 37 38 application.
- (d) Within sixty days after the filing of said application,
 or if hearing shall be held thereon, within ninety days after

- 41 final submission on oral argument or brief, the commission
- 42 may approve the application if it shall find and determine
- 43 that the proposed transmission line:
- 44 (1) Will economically, adequately and reliably contribute
- 45 to meeting the present and anticipated requirements for
- 46 electric power of the customers served by the applicant or
- 47 is necessary and desirable for present and anticipated
- 48 reliability of service for electric power for its service area
- 49 or region; and
- 50 (2) Will result in an acceptable balance between reason-51 able power needs and reasonable environmental factors.
- 52 (e) The commission may impose conditions upon its
- 53 approval of the application, or modify the applicant's
 - 4 proposal, to achieve an acceptable balance between reason-
- 55 able power needs and reasonable environmental factors.
- 56 (f) The provisions of this section shall not apply to the
- 57 construction of line facilities which will be part of a trans-
- 58 mission line for which any right-of-way has been acquired
- 59 prior to the first day of January, one thousand nine hun-
- 60 dred seventy-three.
- 61 (g) The commission shall prescribe such rules and
- 62 regulations as it may deem proper for the administra-
- 63 tion and enforcement of the provisions of this section,
- 64 which rules and regulations shall be promulgated in
- 65 accordance with the applicable provisions of chapter
- 66 twenty-nine-a of this code as if the same were set
- 67 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
- 2 this article, a public utility, person or corporation required
- 3 under section eleven-a, article two, chapter twenty-four of
- 4 this code to obtain a certificate of public convenience and
- 5 necessity for the construction and location of a high voltage
- 6 transmission line, shall file a certified or attested copy of

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- 7 such certificate with its petition to condemn real or personal
- 8 property for the construction of such high voltage trans-
- 9 mission line. Failure to file such certified or attested copy
- 10 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.

W. Daviel Darby
Chairman Senate Committee
Clarence C. Christian
Chairman House Committee
Originated in the Senate.
To take effect from passage.
Haward W. Carson
Clerk of the Senate
(A Blankenshys
Clerk of the House of Delegates
W X Grotherton Jr.
President of the Sexue
Rue Tallana
Speaker House of Delegates
Spould I Dowgwood
The within approved this the 27th
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day of Unit 1973.
day of, 1973.
Muha. Ohaace
Governor

PRESENTED TO THE GOVERNOR TO Time____

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OFFICE OF SECRETARY OF STATE STATE OF WEST VIRGINIA