

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED

SENATE BILL NO. 278

(By Senator Torkovich, Mr. President, et al)

PASSED February 25, 1986
In Effect 90 days from Passage



E N R O L L E D

Senate Bill No. 278

(By SENATORS TONKOVICH, MR. PRESIDENT AND BOETTNER)

[Passed February 25, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article one, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section four-a, article two of said chapter; and to further amend said article by adding thereto a new section, designated section four-d; and to amend article three of said chapter by adding thereto a new section, designated section three-b, all relating generally to intrastate rail carriers and the powers, duties and authority of the public service commission with respect thereto; certain legislative purposes and policies with respect thereto; establishing procedures for the establishment of intrastate rail carrier rate-making; providing for appeals from the public service commission to the interstate commerce commission; providing for open access to the tracks and facilities of rail carriers and establishing the criteria and conditions therefor; and limiting the conditions under which a rail carrier may discontinue or abandon use of rail trackage in this state.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. GENERAL PROVISIONS.

§24-1-1. Legislative purpose and policy; plan for internal reorganization; promulgation of plan as rule; cooperation with joint committee on government and finance.

- 1 (a) It is the purpose and policy of the Legislature in
2 enacting this chapter to confer upon the public service
3 commission of this state the authority and duty to enforce
4 and regulate the practices, services and rates of public
5 utilities in order to:
 - 6 (1) Ensure fair and prompt regulation of public utilities
7 in the interest of the using and consuming public;
 - 8 (2) Provide the availability of adequate, economical and
9 reliable utility services throughout the state;
 - 10 (3) Encourage the well-planned development of utility
11 resources in a manner consistent with state needs and in
12 ways consistent with the productive use of the state's
13 energy resources, such as coal;
 - 14 (4) Ensure that rates and charges for utility services are
15 just, reasonable, applied without unjust discrimination or
16 preference, applied in a manner consistent with the
17 purposes and policies set forth in article two-a of this
18 chapter, and based primarily on the costs of providing these
19 services;
 - 20 (5) Encourage energy conservation and the effective
21 and efficient management of regulated utility enterprises;
22 and
 - 23 (6) Encourage and support open and competitive
24 marketing of rail carrier services by providing to all rail
25 carriers access to tracks as provided in section three-b,

26 article three of this chapter. It is the purpose of the
27 Legislature to remove artificial barriers to rail carrier
28 service, stimulate competition, stimulate the free flow of
29 goods and passengers throughout the state and promote the
30 expansion of the tourist industry, thereby improving the
31 economic condition of the state.

32 (b) The Legislature creates the public service
33 commission to exercise the legislative powers delegated to
34 it. The public service commission is charged with the
35 responsibility for appraising and balancing the interests of
36 current and future utility service customers, the general
37 interests of the state's economy and the interests of the
38 utilities subject to its jurisdiction in its deliberations and
39 decisions.

40 (c) The Legislature directs the public service
41 commission to identify, explore and consider the potential
42 benefits or risks associated with emerging and state-of-the-
43 art concepts in utility management, rate design and
44 conservation. The commission may conduct inquiries and
45 hold hearings regarding such concepts in order to provide
46 utilities subject to its jurisdiction and other interested
47 persons the opportunity to comment, and shall report to the
48 governor and the Legislature regarding its findings and
49 policies to each of these areas not later than the first day of
50 the regular session of the Legislature in the year one
51 thousand nine hundred eighty-five, and every two years
52 thereafter.

53 (d) It is legislative policy to ensure that the Legislature
54 and the general public become better informed regarding
55 the regulation of public utilities in this state and the
56 conduct of the business of the public service commission. To
57 aid in the achievement of this policy, the public service
58 commission annually shall present to the joint committee
59 on government and finance, created by article three,
60 chapter four of this code, or a subcommittee designated by
61 the joint committee, a management summary report which
62 describes in a concise manner:

63 (1) The major activities of the commission for the year
64 especially as such activities relate to the implementation of
65 the provisions of this chapter;

66 (2) Important policy decisions reached and initiatives
67 undertaken during the year;

68 (3) The current balance of supply and demand for
69 natural gas and electric utility services in the state and
70 forecast of the probable balance for the next ten years; and
71 (4) Other information considered by the commission to
72 be important including recommendations for statutory
73 reform and the reasons for such recommendations.

74 (e) In addition to any other studies and reports required
75 to be conducted and made by the public service commission
76 pursuant to any other provision of this section, the
77 commission shall study and initially report to the
78 Legislature no later than the first day of the regular session
79 of the Legislature in the year one thousand nine hundred
80 eighty, upon:

81 (1) The extent to which natural gas wells or wells
82 heretofore supplying gas utilities in this state have been
83 capped off or shut in; the number of such wells, their
84 probable extent of future production and the reasons given
85 and any justification for, capping off or shutting in such
86 wells, the reasons, if any, why persons engaged or
87 heretofore engaged in the development of gas wells in this
88 state or the Appalachian areas have been discouraged from
89 drilling, developing or selling the production of such wells
90 and whether there are fixed policies by any utility or group
91 of utilities to avoid the purchase of natural gas produced in
92 the Appalachian region of the United States generally and
93 in West Virginia specifically.

94 (2) The extent of the export and import of natural gas
95 utility supplies in West Virginia.

96 (3) The cumulative effect of the practices mentioned in
97 subdivisions (1) and (2) of this subsection upon rates
98 theretofore and hereafter charged gas utility customers in
99 West Virginia.

100 In carrying out the provisions of this section the
101 commission shall have jurisdiction over such persons,
102 whether public utilities or not, as may be in the opinion of
103 the commission necessary to the exercise of its mandate and
104 may compel attendance before it, take testimony under oath
105 and compel the production of papers or other documents.
106 Upon reasonable request by the commission, all other state
107 agencies shall cooperate with the commission in carrying
108 out the provisions and requirements of this subsection.

109 (f) No later than the first day of the regular session of the

110 Legislature in the year one thousand nine hundred eighty,
111 the public service commission shall submit to the
112 Legislature a plan for internal reorganization which plan
113 shall specifically address the following:

114 (1) A division within the public service commission
115 which shall include the office of the commissioners, the
116 hearing examiners and such support staff as may be
117 necessary to carry out the functions of decision making and
118 general supervision of the commission, which functions
119 shall not include advocacy in cases before the commission;
120 (2) The creation of a division which shall act as an
121 advocate for the position of and in the interest of all
122 customers;

123 (3) The means and procedures by which the division to
124 be created pursuant to the provisions of subdivision (2) of
125 this subsection shall protect the interests of each class of
126 customers and the means by which the commission will
127 assure that such division will be financially and
128 departmentally independent of the division created by
129 subdivision (1) of this subsection;

130 (4) The creation of a division within the public service
131 commission which shall assume the duties and
132 responsibilities now charged to the commissioners with
133 regard to motor carriers which division shall exist
134 separately from those divisions set out in subdivisions (1)
135 and (2) of this subsection and which shall relieve the
136 commissioners of all except minimal administrative
137 responsibilities as to motor carriers and which plan shall
138 provide for a hearing procedure to relieve the
139 commissioners from hearing motor carrier cases;

140 (5) Which members of the staff of the public service
141 commission shall be exempted from the salary schedules or
142 pay plan adopted by the civil service commission and
143 identify such staff members by job classification or
144 designation, together with the salary or salary ranges for
145 each such job classification or designation;

146 (6) The manner in which the commission will strengthen
147 its knowledge and independent capacity to analyze key
148 conditions and trends in the industries it regulates
149 extending from general industry analysis and supply-
150 demand forecasting to continuing and more thorough
151 scrutiny of the capacity planning, construction

152 management, operating performance and financial
153 condition of the major companies within these industries.
154 Such plan shall be based on the concept that each of the
155 divisions mentioned in subdivisions (1), (2) and (4) of this
156 subsection shall exist independently of the others and the
157 plan shall discourage ex parte communications between
158 them by such means as the commission shall direct,
159 including, but not limited to, separate clerical and
160 professional staffing for each division. Further, the public
161 service commission is directed to incorporate within the
162 said plan to the fullest extent possible the
163 recommendations presented to the subcommittee on the
164 public service commission of the joint committee on
165 government and finance in a final report dated February,
166 one thousand nine hundred seventy-nine, and entitled "A
167 Plan for Regulatory Reform and Management
168 Improvement."

169 The commission shall before the fifth day of January, one
170 thousand nine hundred eighty, adopt said plan by order,
171 which order shall promulgate the same as a rule of the
172 commission to be effective upon the date specified in said
173 order, which date shall be no later than the thirty-first day
174 of December, one thousand nine hundred eighty. Certified
175 copies of such order and rule shall be filed on the first day of
176 the regular session of the Legislature, one thousand nine
177 hundred eighty, by the chairman of the commission with the
178 clerk of each house of the Legislature, the governor and the
179 secretary of state. The chairman of the commission shall
180 also file with the office of the secretary of state the receipt of
181 the clerk of each house and of the governor, which receipt
182 shall evidence compliance with this section.

183 Upon the filing of a certified copy of such order and rule,
184 the clerk of each house of the Legislature shall report the
185 same to their respective houses and the presiding officer
186 thereof shall refer the same to appropriate standing
187 committee or committees.

188 Within the limits of funds appropriated therefor, the rule
189 of the public service commission shall be effective upon the
190 date specified in the order of the commission promulgating
191 it unless an alternative plan be adopted by general law or
192 unless the rule is disapproved by a concurrent resolution of
193 the Legislature adopted prior to adjournment sine die of the
194 regular session of the Legislature to be held in the year one

195 thousand nine hundred eighty: *Provided*, That if such rule
196 is approved in part and disapproved in part by a concurrent
197 resolution of the Legislature adopted prior to such
198 adjournment, such rule shall be effective to the extent and
199 only to the extent that the same is approved by such
200 concurrent resolution.

201 The rules promulgated and made effective pursuant to
202 this section shall be effective notwithstanding any other
203 provisions of this code for the promulgation of rules or
204 regulations.

205 (g) The public service commission is hereby directed to
206 cooperate with the joint committee on government and
207 finance of the Legislature in its review, examination and
208 study of the administrative operations and enforcement
209 record of the railroad safety division of the public service
210 commission and any similar studies.

211 (h) (1) The Legislature hereby finds that rates for
212 natural gas charged to customers of all classes have risen
213 dramatically in recent years to the extent that such
214 increases have adversely affected all customer classes. The
215 Legislature further finds that it must take action necessary
216 to mitigate the adverse consequences of these dramatic rate
217 increases.

218 (2) The Legislature further finds that the practices of
219 natural gas utilities in purchasing high-priced gas supplies,
220 in purchasing gas supplies from out-of-state sources when
221 West Virginia possesses abundant natural gas, and in
222 securing supplies, directly or indirectly by contractual
223 agreements including take-or-pay provisions, indefinite
224 price escalators, or most-favored nation clauses have
225 contributed to the dramatic increase in natural gas prices. It
226 is therefore the policy of the Legislature to discourage such
227 purchasing practices in order to protect all customer
228 classes.

229 (3) The Legislature further finds that it is in the best
230 interests of the citizens of West Virginia to encourage the
231 transportation of natural gas in intrastate commerce by
232 interstate or intrastate pipelines or by local distribution
233 companies in order to provide competition in the natural
234 gas industry and in order to provide natural gas to
235 consumers at the lowest possible price.

236 (i) The Legislature further finds that transactions
237 between utilities and affiliates are a contributing factor to

238 the increase in natural gas and electricity prices and tend to
239 confuse consideration of a proper rate of return calculation.
240 The Legislature therefore finds that it is imperative that the
241 public service commission have the opportunity to properly
242 study the issue of proper rate of return for lengthy periods
243 of time and to limit the return of a utility to a proper level
244 when compared to return or profit that affiliates earn on
245 transactions with sister utilities.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-4a. Procedure for changing rates after June 30, 1981.

1 After the thirtieth day of June, one thousand nine
2 hundred eighty-one, no public utility subject to this chapter
3 except those utilities subject to the provisions of section
4 four-b and section four-d of this article, shall change,
5 suspend or annul any rate, joint rate, charge, rental or
6 classification except after thirty days' notice to the
7 commission and the public, which notice shall plainly state
8 the changes proposed to be made in the schedule then in
9 force and the time when the changed rates or charges shall
10 go into effect; but the commission may enter an order
11 suspending the proposed rate as hereinafter provided. The
12 proposed changes shall be shown by printing new
13 schedules, or shall be plainly indicated upon the schedules
14 in force at the time, and kept open to public inspection:
15 *Provided*, That the commission may, in its discretion, and
16 for good cause shown, allow changes upon less time than the
17 notice herein specified, or may modify the requirements of
18 this section in respect to publishing, posting and filing of
19 tariffs, either by particular instructions or by general order.
20 Whenever there shall be filed with the commission any
21 schedule stating a change in the rates or charges, or joint
22 rates or charges, or stating a new individual or joint rate or
23 charge or joint classification or any new individual or joint
24 regulation or practice affecting any rate or charge, the
25 commission may either upon complaint or upon its own
26 initiative without complaint enter upon a hearing
27 concerning the propriety of such rate, charge,
28 classification, regulation or practice; and, if the
29 commission so orders, it may proceed without answer or
30 other form of pleading by the interested parties, but upon
31 reasonable notice, and, pending such hearing and the

32 decisions thereon, the commission, upon filing with such
33 schedule and delivering to the public utility affected
34 thereby a statement in writing of its reasons for such
35 suspension, may suspend the operation of such schedule
36 and defer the use of such rate, charge, classification,
37 regulation or practice, but not for a longer period than two
38 hundred seventy days beyond the time when such rate,
39 charge, classification, regulation or practice would
40 otherwise go into effect; and after full hearing, whether
41 completed before or after the rate, charge, classification,
42 regulation or practice goes into effect, the commission may
43 make such order in reference to such rate, charge,
44 classification, regulation or practice as would be proper in a
45 proceeding initiated after the rate, charge, classification,
46 regulation or practice had become effective: *Provided*, That
47 in the case of a public utility having two thousand five
48 hundred customers or less and which is not principally
49 owned by any other public utility corporation or public
50 utility holding corporation, the commission may suspend
51 the operation of such schedule and defer the use of such
52 rate, charge, classification, regulation or practice, but not
53 for a longer period than one hundred twenty days beyond
54 the time when such rate, charge, classification, regulation
55 or practice would otherwise go into effect; and in the case of
56 a public utility having more than two thousand five
57 hundred customers, but not more than five thousand
58 customers, and which is not principally owned by any other
59 public utility corporation or public utility holding
60 corporation, the commission may suspend the operation of
61 such schedule and defer the use of such rate, charge,
62 classification, regulation or practice, but not for a longer
63 period than one hundred fifty days beyond the time when
64 such rate, charge, classification, regulation or practice
65 would otherwise go into effect; and in the case of a public
66 utility having more than five thousand customers, but not
67 more than seven thousand five hundred customers, and
68 which is not principally owned by any other public utility
69 corporation or public utility holding corporation, the
70 commission may suspend the operation of such schedule
71 and defer the use of such rate, charge, classification,
72 regulation or practice, but not for a longer period than one
73 hundred eighty days beyond the time when such rate,
74 charge, classification, regulation or practice would

75 otherwise go into effect; and after full hearing, whether
76 completed before or after the rate, charge, classification,
77 regulation or practice goes into effect, the commission may
78 make such order in reference to such rate, charge,
79 classification, regulation or practice as would be proper in a
80 proceeding initiated after the rate, charge, classification,
81 regulation or practice had become effective: *Provided,*
82 *however,* That if any such hearing and decision thereon is
83 not concluded within the periods of suspension, as above
84 stated, such rate, charge, classification, regulation or
85 practice shall go into effect at the end of such period not
86 subject to refund: *Provided further,* That if any such rate,
87 charge, classification, regulation or practice goes into effect
88 because of the failure of the commission to reach a decision,
89 the same shall not preclude the commission from rendering
90 a decision with respect thereto which would disapprove,
91 reduce or modify any such proposed rate, charge,
92 classification, regulation or practice, in whole or in part,
93 but any such disapproval, reduction or modification shall
94 not be deemed to require a refund to the customers of such
95 utility as to any rate, charge, classification, regulation or
96 practice so disapproved, reduced or modified. The fact of
97 any rate, charge, classification, regulation or practice going
98 into effect by reason of the commission's failure to act
99 thereon shall not affect the commission's power and
100 authority to subsequently act with respect to any such
101 application or change in any rate, charge, classification,
102 regulation or practice. Any rate, charge, classification,
103 regulation or practice which shall be approved,
104 disapproved, modified or changed, in whole or in part, by
105 decision of the commission shall remain in effect as so
106 approved, disapproved, modified or changed during the
107 period or pendency of any subsequent hearing thereon or
108 appeal therefrom. Orders of the commission affecting rates,
109 charges, classifications, regulations or practices which
110 have gone into effect automatically at the end of the
111 suspension period are prospective in effect only.

112 At any hearing involving a rate sought to be increased or
113 involving the change of any rate, charge, classification,
114 regulation or practice, the burden of proof to show the
115 justness and reasonableness of the increased rate or
116 proposed increased rate, or the proposed change of rate,
117 charge, classification, regulation or practice shall be upon

118 the public utility making application for such change. The
119 commission shall, whenever practicable and within
120 budgetary constraints, conduct one or more public hearings
121 within the area served by the public utility making
122 application for such increase or change, for the purpose of
123 obtaining comments and evidence on the matter from local
124 ratepayers.

125 Each public utility subject to the provisions of this
126 section shall be required to establish, in a written report
127 which shall be incorporated into each general rate case
128 application, that it has thoroughly investigated and
129 considered the emerging and state-of-the-art concepts in
130 the utility management, rate design and conservation as
131 reported by the commission under subsection (c), section
132 one, article one of this chapter, as alternatives to, or in
133 mitigation of, any rate increase. The utility report shall
134 contain as to each concept considered the reasons for
135 adoption or rejection of each. When in any case pending
136 before the commission all evidence shall have been taken
137 and the hearing completed, the commission shall render a
138 decision in such case. The failure of the commission to
139 render a decision with respect to any such proposed change
140 in any such rate, charge, classification, regulation or
141 practice within the various time periods specified in this
142 section after the application therefor shall constitute
143 neglect of duty on the part of the commission and each
144 member thereof.

145 Where more than twenty members of the public are
146 affected by a proposed change in rates, it shall be a
147 sufficient notice to the public within the meaning of this
148 section if such notice is published as a Class II legal
149 advertisement in compliance with the provisions of article
150 three, chapter fifty-nine of this code, and the publication
151 area for such publication shall be the community where the
152 majority of the resident members of the public affected by
153 such change reside or, in case of nonresidents, have their
154 principal place of business within this state.

155 The commission may order rates into effect subject to
156 refund, plus interest in the discretion of the commission, in
157 cases in which the commission determines that a temporary
158 or interim rate increase is necessary for the utility to avoid
159 financial distress, or in which the costs upon which these

160 rates are based are subject to modification by the
161 commission or another regulatory commission and to
162 refund to the public utility. In such case the commission
163 may require such public utility to enter into a bond in an
164 amount deemed by the commission to be reasonable and
165 conditioned upon the refund to the persons or parties
166 entitled thereto of the amount of the excess if such rates so
167 put into effect are subsequently determined to be higher
168 than those finally fixed for such utility.

169 No utility may make application for a general rate
170 increase while another general rate application is pending
171 before the commission and not finally acted upon, except
172 pursuant to the provisions of the next preceding paragraph
173 of this section. The provisions of this paragraph shall not be
174 construed so as to prohibit any such rate application from
175 being made while a previous application which has been
176 finally acted upon by the commission is pending before or
177 upon appeal to the West Virginia supreme court of appeals.

**§24-2-4d. Procedures for intrastate rail carrier rate-making
and complaints.**

1 Inasmuch as the commission retains authority over
2 intrastate rail rates and complaints pursuant to 49 United
3 States Code §11501 and other federal law, and inasmuch as
4 the commission's procedures are subject to periodic review
5 and certification by the interstate commerce commission
6 for compliance with federal standards, the general rate-
7 making procedures set forth in section four-a, article two,
8 chapter twenty-four of this code, shall not be applied to
9 intrastate railroad rates. The commission shall promulgate
10 its rules and regulations for the government of intrastate
11 rail rates. Such rules shall contain notice requirements,
12 grounds for rate suspension and the permitted suspension
13 period, procedures for protest, standards for determining
14 market dominance and rate reasonableness, burdens of
15 proof, refund provisions, contract rate procedures and
16 trackage rights. These rules shall also contain procedures
17 for complaints and filing of contract rates. All final orders
18 of the commission concerning intrastate rail rates shall be
19 appealable to the interstate commerce commission in
20 conformance with federally established standards of
21 review.

**ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT
TO REGULATIONS OF COMMISSION.**

**§24-3-3b. Access to privately owned railroad track and
adjoining facilities.**

1 (a) The Legislature finds that article eleven, section
2 nine of the West Virginia constitution declares railroads in
3 this state to be public highways free to all persons for the
4 transportation of their persons and property, under such
5 regulations as shall be prescribed by the Legislature. It is
6 the policy of this state to protect and promote the economic
7 well-being of its citizens and toward that end to assure the
8 availability of rail transportation services. It is the purpose
9 of this section to promote such vital goals by all available
10 means not in conflict with authority exercised by the
11 federal government in the area of rail transportation.

12 (b) Rail carriers owning rail tracks located within the
13 borders of this state shall provide open access to such
14 tracks, together with all reasonable, necessary and proper
15 operating facilities for the transportation of passengers and
16 goods to other rail carriers including private carriers
17 transporting their own goods: *Provided*, That where both
18 the accessed and accessing carrier are negotiating a
19 contract with any person for the transportation of
20 passengers or goods, the accessed carrier shall have the
21 right of first refusal on such contract. The accessed carrier
22 and the accessing carrier shall jointly agree upon a
23 reasonable fee for such access. If the parties cannot reach an
24 agreement on a reasonable access fee, the public service
25 commission shall set a fee pursuant to the provisions of
26 subsection (c) of this section, after taking into consideration
27 the factors set forth in said subsection (c) and giving such
28 weight to each as it may deem appropriate.

29 (c) The commission shall promulgate regulations
30 providing for the establishment and payment of reasonable
31 access fees to the accessed carrier by the accessing carrier
32 and the orderly, efficient and safe utilization of accessed
33 rails and facilities. In establishing access fees, the
34 commission shall consider: The capital investment made by
35 the accessed carrier; a reasonable rate of return thereon;
36 depreciation; costs involved in track maintenance and
37 operation; the necessary use of the accessed carrier's
38 employees and facilities; any loss of employment or wages

on file

39 by employees of the accessed carrier that might reasonably
40 be anticipated because of the activities of the accessing
41 carrier; other reasonable and necessary expenses incurred
42 by the accessed carrier; and the accessing carrier's usage of
43 the accessed track and facilities in relation to the total use
44 of such track and facilities.

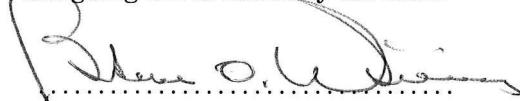
45 (d) Except as required for safety and efficient
46 operation, no carrier providing access under this section
47 may require the use of its facilities by an accessing carrier.

48 (e) Rail carriers seeking access under this section shall
49 comply with all applicable interstate commerce
50 commission rules and regulations.

51 (f) All safety regulations of the federal railroad
52 administration are applicable to rail carriers seeking access
53 under this section, unless waived by the public service
54 commission.

55 (g) No rail carrier owning rail tracks in the state of West
56 Virginia shall discontinue or abandon use of such trackage
57 without first obtaining authority from the commission to do
58 so, unless the same be done under uniform rules and
59 regulations filed by such rail carrier with the public service
60 commission and approved by said commission.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originated in the Senate.

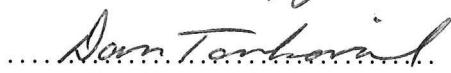
In effect ninety days from passage.



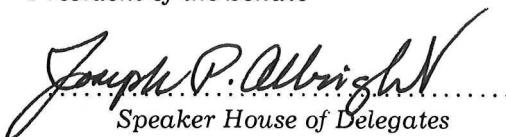
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within appeared this the 5th
day of March 1986.

 Governor



PRESENTED TO THE

GOVERNOR

Date 3/31/86

Time 1:39 p.m.

RECEIVED

1986 MAR 10 PM 3:02

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/10/86