## **WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1988** 

## **ENROLLED**

SENATE BILL NO. 595

(By Senator Jones, ET AL )

PASSED MAKEH 11, 1988

In Effect 90 DHYS Filum Passage

## ENROLLED Senate Bill No. 595

(By Senators Jones, Sharpe and Shaw)

[Passed March 11, 1988; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven-a, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring the installation of line marking for utility lines traversing the Ohio River.

Be it enacted by the Legislature of West Virginia:

That section eleven-a, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

## 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.
  - 1 (a) No public utility, person or corporation shall begin
  - 2 construction of a high voltage transmission line of two
  - 3 hundred thousand volts or over, which line is not an
  - 4 ordinary extension of an existing system in the usual course
    5 of business as defined by the public service commission
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  - 6 unless and until it or he shall have obtained from the public

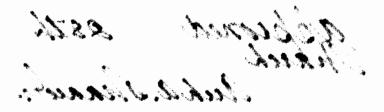
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- service commission a certificate of public convenience and necessity approving the construction and proposed location of such transmission line.
- 10 (b) The application for such certificate shall be in such 11 form as the commission may prescribe 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 14 the applicant proposes to construct;
  - (2) A statement justifying the need for such facilities;
- 16 (3) A statement of the environmental impact of such line 17 facilities; and
  - (4) Such other information as the applicant may deem relevant or the commission may require.
- 20 (c) Upon the filing of such application, the applicant 21shall 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, 24 the publication area for such publication to be each county 25 in which any portion of the proposed transmission line is to 26 be constructed, a notice of the filing of such application and 27 that the commission may approve the same unless within 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 within 34 sixty days from completion of said publication, and shall 35 require the applicant to publish notice of the time and place 36 of hearing in the same manner as is herein required for the 37 publication of notice of the filing of the application.
- 38 (d) Within sixty days after the filing of said application, 39 or if hearing shall be held thereon, within ninety days after 40 final submission on oral argument or brief, the commission 41 may approve the application if it shall find and determine 42 that the proposed transmission line:
- 43 (1) Will economically, adequately and reliably 44 contribute to meeting the present and anticipated 45 requirements for electric power of the customers served by 46 the applicant or is necessary and desirable for present and 47 anticipated reliability of service for electric power for its 48 service area or region; and

- 49 (2) Will result in an acceptable balance between 50 reasonable power needs and reasonable environmental 51 factors.
- 52 (e) The commission may impose conditions upon its 53 approval of the application, or modify the applicant's 54 proposal, to achieve an acceptable balance between 55 reasonable power needs and reasonable environmental 56 factors.
- 57 (f) The provisions of this section shall not apply to the 58 construction of line facilities which will be part of a 59 transmission line for which any right-of-way has been 60 acquired prior to the first day of January, one thousand nine 61 hundred seventy-three.
- 62 (g) The commission shall prescribe such rules and 63 regulations as it may deem proper for the administration 64 and enforcement of the provisions of this section, which 65 rules and regulations shall be promulgated in accordance 66 with the applicable provisions of chapter twenty-nine-a of 67 this code as if the same were set forth herein in extenso.
- 68 (h) Notwithstanding any other provision of the law to 69 the contrary, the commission shall determine, in its 70 discretion, which transmission line or lines crossing above 71 the Ohio River must be marked to be made visible to 72 airborne traffic flying in any area where such lines exist, 33 and shall, within one hundred twenty days of the effective 74 date of this section, promulgate rules requiring that all 75 public utilities or persons who install or maintain such lines 76 make the necessary markings.



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

Succe O. Cellliams
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

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Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Application this the 28th.

day of ... Shareh., 1988.

Auch a. Shareh.

Governor

PRESENTED TO THE

Date \_

Time \_

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE