

110.595

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

ENROLLED

SENATE BILL NO. 595

(By Senator JONES, ET AL)

PASSED MARCH 11, 1988

In Effect 90 DAYS FROM 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,
- 6 unless and until it or he shall have obtained from the public

7 service commission a certificate of public convenience and
8 necessity approving the construction and proposed location
9 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;

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
21 shall publish, in such form as the commission shall direct, as
22 a Class II legal advertisement in compliance with the
23 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

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

Samuel O. Williams
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Withers
.....
Clerk of the Senate

Donald T. Hoopp
.....
Clerk of the House of Delegates

Don Torrance
.....
President of the Senate

Robt. L. Chabon
.....
Speaker House of Delegates

The within *approved* this the *28th*
day of *March*, 1988.

Arch A. Shaeffer
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/88
Time 4:05 p.m.

RECEIVED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE