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 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.

(h) Notwithstanding any other provision of the law to the contrary, the commission shall determine, in its discretion, which transmission line or lines crossing above the Ohio River must be marked to be made visible to airborne traffic flying in any area where such lines exist, and shall, within one hundred twenty days of the effective date of this section, promulgate rules requiring that all public utilities or persons who install or maintain such lines make the necessary markings.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

John O. Williams
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Robert C. Byrd
Clerk of the Senate

Donald J. Higginbotham
Clerk of the House of Delegates

Robert C. Atkinson
President of the Senate

C. A. Reichard
Speaker House of Delegates

The within bill passed this the 28th day of August, 1988.

Anders A. Serafin
Governor