

FILED

2010 APR -2 PM 4: 08

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

VIRGINIA
SECRETARY OF STATE

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 614

(SENATORS UNGER AND SNYDER, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

SB 614

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OFFICE OF THE CLERK
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

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(SENATORS UNGER AND SNYDER, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §24-2-11a of the Code of West Virginia, 1931, as amended, relating to Public Service Commission approval of the construction of high voltage transmission lines; requiring applicant to notify owners of surface real estate that lie within the preferred corridor of the proposed transmission line; and requiring the commission to act in the best interest of West Virginia customers and its citizens.

Be it enacted by the Legislature of West Virginia:

That §24-2-11a of the Code of West Virginia, 1931, 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 may 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
5 course of business as defined by the Public Service Com-
6 mission, unless and until it or he or she has obtained from
7 the Public Service Commission a certificate of public
8 convenience and necessity approving the construction and
9 proposed location of the transmission line.

10 (b) The application for the certificate shall be in the form
11 the commission prescribes and shall contain:

12 (1) A description, in such detail as the commission
13 prescribes, of the location and type of line facilities which
14 the applicant proposes to construct;

15 (2) A statement justifying the need for the facilities;

16 (3) A statement of the environmental impact of the line
17 facilities; and

18 (4) Other information the applicant considers relevant or
19 the commission requires.

20 (c) Upon the filing of the application, the applicant shall
21 publish, in the form the commission directs, as a Class II
22 legal advertisement in compliance with the provisions of
23 article three, chapter fifty-nine of this code, the publica-
24 tion area for the publication to be each county in which
25 any portion of the proposed transmission line is to be
26 constructed, a notice of the filing of the application and
27 that the commission may approve the application unless
28 within fifteen days after completion of publication a
29 written request for a hearing on the application has been
30 received by the commission from a person or persons
31 alleging that the proposed transmission line or its location
32 is against the public interest. If the request is timely
33 received, the commission shall set the matter for hearing
34 on a date within sixty days from completion of the publi-

35 cation, and shall require the applicant to publish notice of
36 the time and place of hearing in the same manner as is
37 required for the publication of notice of the filing of the
38 application. At least thirty business days before the
39 deadline set by the Public Service Commission to file a
40 petition to intervene with regard to the application, the
41 applicant shall serve notice by certified mail to all owners
42 of surface real estate that lie within the preferred corridor
43 of the proposed transmission line. Notice received by a
44 named owner who is the recipient of record of the most
45 recent tax bill that has been issued by the county sheriff's
46 office for a parcel of land at the time of the filing of the
47 application is sufficient notice regarding that parcel for
48 purposes of this subsection.

49 (d) Within sixty days after the filing of the application,
50 or if hearing is held on the application, within ninety days
51 after final submission on oral argument or brief, the
52 commission may approve the application if it finds that
53 the proposed transmission line:

54 (1) Will economically, adequately and reliably contribute
55 to meeting the present and anticipated requirements for
56 electric power of the customers served by the applicant or
57 is necessary and desirable for present and anticipated
58 reliability of service for electric power for its service area
59 or region;

60 (2) Will be in the best interest of West Virginia customers
61 and its citizens; and

62 (3) Will result in an acceptable balance between reason-
63 able power needs and reasonable environmental factors.

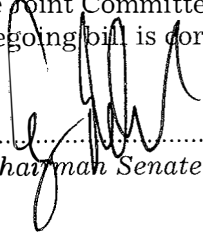
64 (e) The commission may impose conditions upon its
65 approval of the application, or modify the applicant's
66 proposal, to achieve an acceptable balance between
67 reasonable power needs and reasonable environmental
68 factors.

69 (f) The provisions of this section do not apply to the
70 construction of line facilities which will be part of a
71 transmission line for which any right-of-way has been
72 acquired prior to January 1, 1973.

73 (g) The commission shall prescribe rules it considers
74 proper for the administration and enforcement of the
75 provisions of this section, which rules shall be promul-
76 gated in accordance with the applicable provisions of
77 chapter twenty-nine-a of this code.

78 (h) Notwithstanding any other provision of the law to
79 the contrary, the commission shall determine, in its
80 discretion, which transmission line or lines crossing above
81 the Ohio River must be marked to be made visible to
82 airborne traffic flying in any area where the lines exist,
83 and shall promulgate rules requiring that all public
84 utilities or persons who install or maintain the lines make
85 the necessary markings.

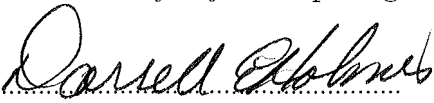
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

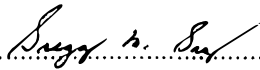

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Chairman Senate Committee

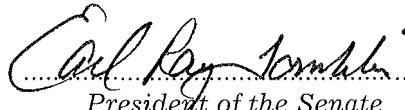

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Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 2nd
Day of April, 2010.


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Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

Time

4:10pm