

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

ORIGINAL

03-03-QQ

Issued: September 4, 2003

CASE NO. 03-0744-PWD-PC

NICHOLAS COUNTY COMMISSION

Petition for consent and approval of the enlargement of the boundaries of Gauley River Public Service District.

PROCEDURAL ORDER

On May 16, 2003, the Nicholas County Commission (County Commission) filed an Order with the Public Service Commission enlarging the boundaries of the Gauley River Public Service District (District), in accordance with the provisions of West Virginia Code §16-13A-2.

On June 24, 2003, Staff Attorney Cecelia Jarrell filed an Initial and Final Joint Staff Memorandum, to which was attached the Initial and Final Internal Memorandum prepared by Karen L. Buckley, Utilities Analyst II, Water and Wastewater Division. Staff advised that the enlargement relates only to water authority for the Gauley River Public Service District. However, at the public hearing conducted by the County Commission, the City of Summersville appeared in opposition to the boundary expansion for the District. The City of Summersville wants to serve the area proposed in the enlargement and has taken some steps to pursue funding for a project to serve the area in question. At that public hearing, several area residents appeared and spoke in favor of the boundary enlargement and in favor of allowing the District to provide service to the expansion area. Over the objection of the City of Summersville, the County Commission voted to enlarge the Gauley River Public Service District boundaries as proposed. Since the Nicholas County Commission has satisfied the requirements of West Virginia Code §16-13A-2, and the expansion will not infringe upon any other existing water utility in the area, Staff recommended approval of the Nicholas County Commission's petition to expand the boundaries of the District.

On June 6, 2003, the City of Summersville petitioned to intervene in these proceedings.

MJM

By Order dated July 2, 2003, this matter was referred to the Division of Administrative Law Judges for a decision to be rendered on or before December 12, 2003.

Based upon the above, the Administrative Law Judge is of the opinion and finds that the following procedural schedule shall be established for the processing and resolution of this case:

1. A hearing shall be held at **Old Main (old high school), Old Main Drive, Summersville, West Virginia, on October 6, 2003, at 11:00 a.m.;**
2. The transcript of the proceeding shall be received on or before October 20, 2003;
3. Initial briefs in this matter shall be filed on or before November 3, 2003, and reply briefs, if any, may be filed on or before November 10, 2003.

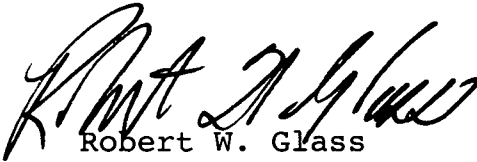
ORDER

IT IS, THEREFORE, ORDERED that the procedural schedule as set forth above be, and the same hereby is, established for the processing and resolution of this case.

IT IS FURTHER ORDERED that the City of Summersville be granted intervenor status in this proceeding.

IT IS FURTHER ORDERED that the Nicholas County Commission give notice of the hearing to be held on October 6, 2003, by publishing a copy of the Notice of Hearing, attached hereto as Appendix A, once in a newspaper, duly qualified by the Secretary of State, published and of general circulation in Nicholas County. A proper affidavit of publication shall be submitted to the Commission at the hearing.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission shall serve a copy of this order upon all parties to this proceeding by United States Certified Mail, return receipt requested, and upon Commission Staff by hand delivery.


Robert W. Glass
Administrative Law Judge

RWG:pst:mal
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PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 03-0744--PSD-PC

NICHOLAS COUNTY COMMISSION

Petition for consent and approval to
expand the boundaries of Gauley River
Public Service District.

NOTICE OF HEARING

On May 16, 2003, the Nicholas County Commission filed an Order with the Public Service Commission enlarging the boundaries of the Gauley River Public Service District, in accordance with the provisions of West Virginia Code §16-13A-2.

A hearing on the filing has been set for **October 6, 2003, at Old Main (old high school), Old Main Drive, Summersville, West Virginia, at 11:00 a.m.**

Anyone wishing to protest the petition must appear in person to voice their protest.

NICHOLAS COUNTY COMMISSION