

Upshur County Commission Meeting Agenda

Agenda packets are available electronically at http://www.upshurcounty.org/agenda_and_minutes/index.php or by request to the Upshur County Commission Office at 304-472-0535.

Location: Upshur County Courthouse Annex
If you prefer to participate by telephone, please dial 1-408-650-3123 Access Code: 272 564 045 to enter the conference call.

Date of Meeting: April 20, 2023

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:

- April 13, 2023
- April 18, 2023 – Special Meeting

9:15 a.m. Discuss potential property acquisition *
Item may lead to Executive Session per WV Code §6-9A-4

1:00 p.m. Supervisor Meeting

2:00 p.m. Policy Board Meeting

Items for Discussion / Action / Approval:

1. Correspondence from Cindy Hughes, Assistant County Administrator, announcing the resignation of Chris Alkire, a Commission appointed community representative, from the Upshur County Safe Sites and Structures Board, effective April 12, 2023. * [Page 4](#)
2. Consider submitting a project proposal for the FY 2023 Homeland Security Grant on behalf of the Upshur County Department of Homeland Security and Emergency Management for a radio testing and calibration unit. Upon approval, the Commission agrees to the Certifications contained therein. ** [Pages 5-7](#)
3. Consideration for approval to submit a project proposal for the FY 2023 Homeland Security Grant on behalf of the Upshur County Sheriff's Department for body and in-car camera systems. Upon approval, the Commission agrees to the Certifications contained therein. * [Pages 8-12](#)
4. Approval and signature of a Proposal for Financing provided by Country Roads Leasing, LLC and Resolution Authorizing the Execution and Delivery of a Master Lease Equipment Lease-Purchase Agreement, and Related Instruments, and Determining Other Matters in Connection Therewith. The tax-exempt lease-purchase financing for the acquisition of a 2023 Grand Cherokee Laredo will cost twelve thousand one hundred seventy-seven dollars and twenty-three cents (\$12,177.23) annually over a period of four years. * [Pages 13-33](#)
5. Correspondence from Greg Harris, Facilities Director, requesting the employment of Charles "Chuck" Suder as full-time maintenance technician, effective May 1, 2023. *

[Under separate cover](#)

Item may lead to Executive Session per WV Code §6-9A-4

6. Consider retirement of an employee. *

[Under separate cover](#)

Item may lead to Executive Session per WV Code §6-9A-4

7. Correspondence from Craig Presar, WVU Extension Service Agent, requesting to reserve the parking area in front of the Upshur County Maintenance Building located at 40 Chancery Street to be utilized as a back-up location for the Upshur County 4-H Leader's Association Annual Steak Sandwich fundraiser during the week of the 2023 WV Strawberry Festival held May 17th – 21st, 2023. * [Page 34](#)
8. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

For Your Information:

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Correspondence from Russell Rollyson, Senior Deputy State Auditor – County Collections Division, providing notice of the Upshur County Auction of Delinquent and Nonentered Lands. Auction will take place April 26, 2023. [Pages 35-43](#)
2. Advertisement for a part-time Data Entry position in the Upshur County Assessor's Office. The employee will work no more than 19.5 hours per week and be paid solely from the Revaluation Fund. [Page 44](#)
3. Upshur County Building & Floodplain Permits for the month of March, 2023. [Pages 45-46](#)
4. Correspondence from Douglas Roberts, Vice President of the Upshur County Farm Bureau, announcing that the Upshur County Farm Bureau Board of Directors selected Thana Wentz to serve as representative on the Upshur County Youth Camp Nomination Committee. [Page 47](#)
5. Correspondence from Karen Buckley, Executive Secretary for the Public Service Commission of West Virginia, providing a copy of a Commission Order issued in the matter of Revisions to the Rules Governing Emergency Telephone Service. [Pages 48-93](#)
6. Upshur County Sheriff's Financial Statement for period ending March, 2023. [Pages 94-95](#)
7. Upshur County Sheriff's Financial Statement for period ending April 3, 2023. [Pages 96-97](#)
8. Public Notices:
 - a) Newsletters and/or Event Notifications:
 - None
 - b) Agendas and/or Notice of Meetings:

• Upshur County Youth Camp Board	January 19, 2023	Page 98
• Upshur County Youth Camp Board	March 16, 2023	Pages 99-100
• City Council of Buckhannon	April 20, 2023	Page 101
• Court Security Advisory Board	May 1, 2023	Page 102

Meeting Minutes:

• James W. Curry Library Advisory Board	October 21, 2022	Pages 103-104
• Upshur County Youth Camp Board	January 19, 2023	Pages 105-106
• Upshur County Fire Board	February 8, 2023	Page 107
• Upshur County Fire Board	February 28, 2023	Page 108

c) Meetings: ***Dates and times of monthly board meetings are viewable at:**

<http://cms4.revize.com/revize/upshurwv/calendar.php>

or go to www.upshurcounty.org and click on the board meetings calendar box on the main page.

9. Appointments Needed or Upcoming:

- Upshur County Enhanced Emergency Telephone Advisory Board - unexpired term June 30, 2023.
(Community Representative)
- Upshur County Enhanced Emergency Telephone Advisory Board - unexpired term June 30, 2024.
(Fire Service)
- Tennerton Public Service District - unexpired term July 31, 2023.

****If you are interested in serving on an Upshur County board, please submit your letter of interest to the Commission Office at 91 W. Main St., Suite 101, Buckhannon, WV 26201 or chughes@upshurcounty.org. Upcoming term expirations are listed in this section of the agenda; however, letters of interest can be submitted at any time. Letters of interest for boards that do not currently have a vacancy will be held until a vacancy occurs. Please note that submitting a letter of interest does not guarantee appointment. ****

Newsletters and/or Event Notifications, Agendas and/or Notices of Meetings, Meeting Minutes and Scheduled Meetings can all be found by visiting: http://www.upshurcounty.org/agenda_and_minutes/index.php

Tabled Items

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

Next Regular Meeting of the Upshur County Commission

April 27, 2023 --- 9:00 a.m.

Upshur County Courthouse Annex

INTEROFFICE MEMORANDUM

TO: Upshur County Commission
FROM: Cindy Hughes, Assistant Administrator 
SUBJECT: Safe Sites and Structures Board - Resignation
DATE: April 12, 2023
CC: Greg Harris, Safe Sites and Structures Compliance Officer

Commissioners,

I have been informed by Chris Alkire that he is unable to continue to fulfill his community representative position on the Safe Sites and Structure's Board. His resignation is effective April 12, 2023.

Thank you

FY 2023 Homeland Security Grant Program
Sub-grant Project Proposal Coversheet

Project Title: Radio Testing and Calibration Unit
Applicant Agency: Upshur County Commission
Applicant Address: 91 West Main Street Buckhannon, WV 26201
Agency(s) Project Benefits: Department of Homeland Security and Emergency Management
Project Point of Contact: Cindy M. Hughes, Assistant County Administrator
Contact Phone Number: {304} 472-0535 ext. 3
Contact Email: chughes@upshurcounty.org
UEI #: L1BDAD3H4A7
OASIS #: 212313
State Priority Area: Interoperable Communications
Estimated total cost of project: \$57,789.00

Certifications:

Applicants should include a statement affirming compliance with these certifications in their project narrative.

1. If funded, the applicant will implement the project as described in the grant award.
2. The applicant will comply with all federal and state guidelines and will adhere to the conditions and assurances of the grant award. (A copy of the conditions and assurances can be provided if needed.)
3. Leadership of the applicant agency are aware of this proposal submission.
4. Equipment requested through this project is allowable for the State Homeland Security Grant Program on the FEMA Authorized Equipment List (AEL).
5. If this project includes planning, training, or equipment related to the Statewide Interoperable Radio Network (SIRN), the applicant will coordinate this project with the appropriate Regional Interoperability Committee or the Statewide

Upshur County Commission HSGP Proposal for FY23 Project Narrative:
Radio Testing and Calibration Unit

interoperability Executive Committee to assure compliance with the WV
Statewide Communications Interoperability Plan.

No signatures are required on the proposal submission.

The Upshur County Commission is aware of this proposal submission for the Department of Homeland Security and Emergency Management. If funded, we will implement the project as described in the grant award, will comply with all federal and state guidelines and adhere to conditions and assurances of the grant award. We have verified that all equipment requested through this project is allowable for the State Homeland Security Grant Program on the FEMA Authorized Equipment List (AEL).

Narrative:

The Department of Homeland Security and Emergency Management in Upshur County is seeking to obtain a radio testing and calibration unit to allow the staff to provide internal maintenance and troubleshoot their own radios. Having the calibration unit will benefit the department by allowing them to be able to perform and set up a standard maintenance schedule, troubleshoot as needed and to keep them operating as efficiently as possible. The return on investment will, over time, exceed the initial cost by saving money outsourcing the maintenance of the equipment and maximize the use of employee time spent on task.

The model that would best meet the department's needs is the Viavi CX300. The Viavi CX300 is an analog and digital radio service monitor that will aid in testing and maintaining radio networks. The CX300 would allow us to easily test and align portable and mobile radios using OEM provided testing software, allowing each radio to be aligned to that radio manufacturer's exact specifications. Testing and aligning radios, on a regular basis, is an essential component to maintain reliable performance of the radio. For example, if a radio is not properly aligned it may not be able to transmit or receive any communications, which could prove to be deadly in a critical emergency situation. When radios are aligned regularly using a service monitor like the CX300, the safety of the people who rely on that radio for communications is greatly enhanced.

In addition to testing and aligning radios, the CX300 also has features that will allow the department to make sure that the network is running at full efficiency. Upshur County still uses a VHF county-wide network for critical communication, in addition to the SORN system. With the CX300, all of the cables and antennas can be easily checked on a regular basis to make sure they are working properly. The CX300 can also be used to locate potential interference sources that could interfere with the county VHF network, causing it to not perform to its maximum capabilities. It is extremely important to make sure that this network is working properly so that all of the radios can transmit and receive when needed.

Upshur County Commission HSGP Proposal for FY23 Project Narrative:
Radio Testing and Calibration Unit

A detailed quote is listed below:

Product	Description	Qty	Units	Unit Price	Line Total
CX300-FAMILY	CX300-FAMILY;CX300 Configurator	1	EA		
CX300	CX300;Communications Service Monitor	1	EA	31,905.00	
CX300-SILVER-3	CX300-SILVER-3;3 Yr Total HW Warranty + Calibration with Certificate - SILVER-3 Duration: 3 yrs	1		2,233.00	2,233.00
CX300-SCAA	CX300-SCAA;Cable and Antenna Analysis - DTF/V SWR/RL	1	EA	2,805.00	2,805.00
CX300-SPSB	CX300-SPSB;External Power Sensor Support BirdRF 5017D	1	EA	1,405.00	1,405.00
CX300-TPMA	CX300-TPMA;Motorola APX Series Auto-Test / Alignment	1	EA	2,905.00	2,905.00
CX300-TPMA25	CX300-TPMA25;Motorola ASTRO 25 XTS/XTL Auto-Test and Alignment	1	EA	2,905.00	2,905.00
CX300-TMKNX	CX300-TMKNX;Kenwood NX-3000/5000 Series Auto-Test and Alignment	1	EA	2,905.00	2,905.00
CX300-DP25P1	CX300-DP25P1;P25 Conventional	1	EA	2,905.00	2,905.00
CX300-DP25P2	CX300-DP25P2;P25 Phase II	1	EA	2,905.00	2,905.00
CX300-ACH	CX300-ACH;Carrying Case Hard Transit	1	EA	805.00	805.00
CX300-ACBL	CX300-ACBL;RF Cable	1	EA	135.00	135.00
CX300-AAANT1	CX300-AAANT1;Antenna Kit 1 GHz	1	EA	153.00	153.00
CX300-AGPS	CX300-AGPS;Antenna GNSS/GPS SMA Mount	1	EA	109.00	109.00
CX300-ACS10	CX300-ACS10;10 AMP Current Shunt 0.01 Ohm	1	EA	315.00	315.00
92793	92793;5017D Bird Wideband Power Sensor	1	EA	2,799.00	2,799.00
CX300-ASOL	CX300-ASOL;Accessory - Short Open Load	1	EA	600.00	600.00
				Subtotal	57,789.00
				Taxes as applicable	0.00
				Total (USD)	57,789.00

Estimated time of completion after award will be approximately 6 months, depending upon availability of equipment from vendor.

Priorities:

This project directly supports the FY23 West Virginia State priorities of "Interoperable Communications". If funded, the calibration unit will serve as a support tool for the Department by allowing in-house calibration and maintenance of the current existing radios.

FY 2023 Homeland Security Grant Program
Sub-grant Project Proposal

Project Title: Body Worn and In-car Cameras
Applicant Agency: Upshur County Commission
Applicant Address: 91 West Main Street Buckhannon, WV 26201
Agency(s) Project Benefits: Upshur County Sheriff's Department
Project Point of Contact: Cindy M. Hughes, Assistant County Administrator
Contact Phone Number: (304) 472-0535 ext. 3
Contact Email: chughes@upshurcounty.org
UEI #: L1BDAD3H4A7
OASIS #: 212313
State Priority Area: Law Enforcement Personal Protective/Force Protection Equipment
Estimated total cost of project: \$178,561.00

Certifications

Applicants should include a statement affirming compliance with these certifications in their project narrative.

1. If funded, the applicant will implement the project as described in the grant award.
2. The applicant will comply with all federal and state guidelines and will adhere to the conditions and assurances of the grant award. (A copy of the conditions and assurances can be provided if needed.)
3. Leadership of the applicant agency are aware of this proposal submission.
4. Equipment requested through this project is allowable for the State Homeland Security Grant Program on the FEMA Authorized Equipment List (AEL).

No signatures are required on the proposal submission.

Upshur County Commission HSGP Proposal for FY23 Project Narrative: Body-Cameras

Certifications:

The Upshur County Commission is aware of this proposal submission for the Upshur County Sheriff's Department. If funded, we will implement the project as described in the grant award, will comply with all federal and state guidelines and adhere to conditions and assurances of the grant award. We have verified that all equipment requested through this project is allowable for the State Homeland Security Grant Program on the FEMA Authorized Equipment List (AEL).

Narrative:

In November 2018, the Bureau of Justice Statistics (BJS) published a report on the use of body-worn cameras by law enforcement agencies in the United States in 2016. This report showed that body-worn cameras are widely used by state and local law enforcement agencies in the United States, with roughly 47% of general-purpose law enforcement agencies acquiring body worn cameras. They are worn principally by officers in the performance of duties that require open and direct contact with the public. The Upshur County Sheriff's Department are among that 47%; however, the age of the department's current body cameras is an issue. The cameras were acquired, second-handed, in 2009, making them fourteen years old. The advantages of having well-equipped officers with fully functioning, up to date body-cameras is important and a significant justification for replacing the current cameras with state-of-the art upgrades.

Proponents for body-worn cameras point to several potential benefits including, improved transparency and accountability thus improving the community's trust and confidence in law enforcement. Video footage captured during interactions might provide better documentation to help confirm the nature of events and support accounts by officers and community residents. Body-worn cameras can also provide quicker resolutions to complaints and/or lawsuits, and training opportunities to advance policing techniques. Despite the benefits, the price tag for police bodycams can be several thousands of dollars per officer since the costs include purchasing and maintaining the equipment, paying for storing the enormous amount of information the cameras can collect, and training officers. The Upshur County Commission cannot afford replacing such a luxury for its officers, despite the benefits bodycams could offer the Department.

In addition to the above-mentioned advantages of body-worn cameras, the use of in-car cameras is on the rise nationally and established as the "rule" not the "exception". The Upshur County Sheriff's Department; however, do not have police in-car camera systems currently. The Sheriff's Department sees the value in acquiring in-car camera systems for their police vehicles which would provide multiple advantages. The first advantage is enhancing officer safety, performance and professionalism. The perception of safety increases with camera use and behavioral studies have cited repeatedly that people often make better choices if they know they are being watched and recorded. Recorded video also offers enhanced training opportunities for

Upshur County Commission HSGP Proposal for FY23 Project Narrative: Body-Cameras

officers to self-critique or to learn from other officer's actions. Another advantage is the reduction of agency liability by having a video eye-witness account of incidents. A collaboration between the National District Attorney's Association (NDAA) and the American Prosecutor's Research Institute (APRI) found 91% of prosecutors have used in-car camera video evidence in court. They reported the presence of video evidence enhances their ability to obtain convictions and increases the number of guilty pleas prior going to trial. Finally, we foresee a significant amount of time being saved in conducting investigations with the availability of video evidence. Overall, the addition of in-car cameras could be a valuable tool in the Upshur County Sheriff's Department.

Estimated time of completion after award will be approximately 6 months, depending upon availability of equipment from vendor.

Quote:

Line #	Item Number	Description	Qty	Term	Sale Price	Ext. Sale Price	Refresh Duration
Video as a Service							
1	AAS-M5-BWC-5YR	M500 IN-CAR SYSTEM WITH V300 BODY WORN CAMERA AND VIDEO MANAGER EL CLOUD - 5 YEARS VIDEO-AS-A-SERVICE*	12	5 YEAR	\$13,500.00	\$162,000.00	
2	PRS-0618A	VAAS MANAGED INSTAL,ONSITE,TRAIN,CO NFIG	1		\$5,000.00	\$5,000.00	
3	WGB-0703A	M500 ICV SYSTEM, V300 WIFI DOCK, SPS*	12		Included	Included	
4	SSV00S01450B	LEARNER LXP SUBSCRIPTION*	15	5 YEAR	\$0.00	\$0.00	
5	WGB-0101A	V300 BODY WORN CAMERA, MAG CHEST MOUNT	12		Included	Included	3 YEAR

Upshur County Commission HSGP Proposal for FY23 Project Narrative: Body-Cameras

6	WGW00300-003	V300 NO FAULT WARRANTY	12	5 YEAR	Included	Included	
7	WGW00502	M500 EXTENDED WARRANTY	12	5 YEAR	Included	Included	
8	WGA00428-103	CONFIGWIRLESKIT MTIK802.11AC,POE,5GHZ ANT	12		Included	Included	
9	WGP01394-001	CBL, WIFI VHCL ANT MNT, NMO, 17L	12		Included	Included	
10	WGC02001-VAAS	VIDEOMANAGER EL CLOUD, ANNUAL UNLIMITED STORAGE PER BODY WORN CAMERA VAAS*	12	5 YEAR	Included	Included	
11	WGC02002-VAAS	VIDEOMANAGER EL CLOUD, ANNUAL UNLIMITED STORAGE PER IN-CAR VIDEO SYSTEM WITH 2 CAMERAS VAAS*	12	5 YEAR	Included	Included	
12	WGP01566-350	ACCESS POINT, MIKROTIK, 802.11AC, 5GHZ	2		\$200.00	\$400.00	
Video as a Service							
13	AAS-BWC-5YR-001	V300 BODY WORN CAMERA AND VIDEO MANAGER EL CLOUD - 5 YEARS VIDEO-AS-A- SERVICE	2	5 YEAR	\$4,140.00	\$8,280.00	
14	WGB-0101A	V300 BODY WORN CAMERA, MAG CHEST MOUNT	2		Included	Included	3 YEAR
15	WGW00300-003	V300 NO FAULT WARRANTY	2	5 YEAR	Included	Included	
16	WGB-0138AAS	VIDEO EQUIPMENT,V300 XFER STATION, UNCONF (\$30 PER MON)	1		Included	Included	
17	WGC02001-VAAS	VIDEOMANAGER EL CLOUD, ANNUAL UNLIMITED STORAGE PER BODY WORN CAMERA VAAS*	2	5 YEAR	Included	Included	
18	WGB-0138A	V300 TRANSFER STATION II	1		\$1,495.00	\$1,495.00	
19	WGP02614	V300, BATT, 3.8V, 4180MAH	14		\$99.00	\$1,386.00	

Grand Total \$178,561.00(USD)

Upshur County Commission HSGP Proposal for FY23 Project Narrative: Body-Cameras

Priorities:

This project directly supports the FY23 West Virginia State priorities of “Law Enforcement Personal Protective/Force Protection Equipment” and “Emergent Threats”. If funded, this project will enhance officer safety, performance and professionalism while supporting the ever-present goal of protection and security.



PROPOSAL FOR FINANCING

DATE: April 17, 2023

Country Roads Leasing, LLC is pleased to present the following tax-exempt lease-purchase financing to the Upshur County Commission for the acquisition of:

One (1) 2023 Grand Cherokee Larado

ACQUISITION COST: \$43,157.00

TERM: 4 Years

PAYMENT MODE:

- ✓ Annual
- ✓ Advance

INTEREST RATE: 6.10 %

PAYMENT: \$12,177.23

The above quotation is subject to credit review, approval and execution of mutually acceptable documentation, including legal counsel's opinion that the purchase is legal, binding and qualified as a tax-exempt debt, if necessary. *All additional costs relating to the completion and recordation of this transaction are included in the above quoted payment.*

This quotation does not obligate COUNTRY ROADS LEASING, LLC or any of its funding sources, until all requirements and obligations have been met. In order to process this quote on a timely basis, three (3) years audited financial statements; current budget and a completed lease application must be submitted. No funding will be released until compliance. The above quoted rate is valid for a period of twenty (20) days from the day hereof, thereafter said rate may be subject to change.

QUOTED BY:

Jeffrey W. Smell
Jeffrey Smell

ACCEPTED BY:

Signature

Title

**Costs related to the completion and recordation of this transaction are subject to a minimum three percent (3%) service fee that is rolled into the lease proceeds.



RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the members of the Upshur County Commission ("Lessee") have determined that a true and very real need exists for the equipment (the "Equipment") described in the Master Equipment Lease-Purchase Agreement (the "Agreement") presented to this meeting; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment, and

WHEREAS, Lessee proposes to enter into the Agreement substantially in the form presented in this meeting:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:

Section 1. BEST INTERESTS OF LESSEE. It is hereby found and determined that the terms of the Agreement in the form presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. AUTHORIZATION. The Agreement is hereby approved. The President of Lessee and other officers of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Agreement with any changes, insertions and omissions therein as may be approved by the officer(s) who execute the Agreement, such approval to be conclusively evidenced by such execution and delivery of the Agreement. The President or County Clerk of the Lessee and any other officers of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Agreement and attest the same.

Section 3. EXECUTION OF DOCUMENTS. The proper officer(s) of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Agreement.

Section 4. DESIGNATION AS QUALIFIED TAX-EXEMPT OBLIGATION. Lessee hereby designates the Agreement as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986 as amended.

Section 5. EFFECTIVE DATE. This Resolution shall take effect immediately.

Dated

04-17-'23 10:21 FROM- JACKSON AUTOMOTIVE

Elkins Chrysler Dodge Jeep Ram

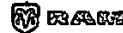
P.O. Box 1548 1434 Beverly Pike

Elkins WV 26241

304-836-2222 1-800-296-2486

T-698 P0001/0002 F-501

PURCHASE AGREEMENT



No 09021

Recommended by
West Virginia Automobile Association

Date: 04/17/2023

Buyer Name and Address (Including County and Zip Code)	Co-Buyer Name and Address (Including County and Zip Code)	Seller Name and Address
UPSHUR COUNTY COMMISSION 91 W MAIN ST BUCKHANNON, WV 26201		ELKINS CHRYSLER DODGE JEEP RAM 1434 BEVERLY PIKE ELKINS, WV 26241
Email:	Email:	Salesperson: VINCENT T FABBRICATO
Phone:	Phone:	Deal Number: 0024523
Cell:	Cell:	

THIS BUYER'S ORDER IS ☐ NEW ☒ USED ☐ CAR ☐ TRUCK ☐ DEMO
 FOR THE FOLLOWING ☐ PERSONAL FAMILY OR HOUSEHOLD ☐ AGRICULTURAL ☐ BUSINESS TO BE DELIVERED ON OR ABOUT 04/17/2023

Year	Make	Model	Type	Trim	Color	Mileage	Stock #
2023	JEEP	GRAND CHERO WAGON	4 DO		DIAMOND BL		J23090
TRADE-IN RECORD #1							
VIN 1C4RJHAG6PC548592							
Base Price of Vehicle						\$ 47259.50	1
Additional Equipment (Options)							2
							3
							4
							5
							6
							7
							8
							9
							10
							11
TRADE-IN RECORD #2							
Seller Installed Options							
							12
							13
							14
							15
							16
							17
							18
							19
Total Cash Price (1 thru 19)						47259.50	20
Trade-In Allowance (#1)						\$ NA	
Trade-In Allowance (#2)						\$ NA	21
Less Total Trade-In Liens						\$ NA	
Sub-Total (20 plus or minus 21)						47259.50	22
Documentary Fee						375.00	23
							24
Total Taxable Amount (22 thru 24)						47634.50	25
Plus Balance Owed						\$ NA	26
							27
Sales Tax						22.50	28
Title Fee							29

LAW FORM NO. LAWVW-B019 (Rev. 7/19)
© 2019 The Reynolds and Reynolds Company. TO ORDER: WWW.REYNOLDSFORMS.COM 1-800-221-2267. IN: 1-800-221-2267

THE PRINTER MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO CONTENT OR FITNESS FOR PURPOSE OF THIS FORM CONSULT YOUR OWN LEGAL COUNSEL.

Attachments To The
 Master Lease - Purchase Agreement
 Between
 COUNTRY ROADS LEASING, LLC
 AND
 UPSHUR COUNTY COMMISSION
 DATED 03/18/2021
 EQUIPMENT SCHEDULE NUMBER 4

Equipment List	Attachment 1
Schedule of Payments	Attachment 2
Acceptance Certificate	Attachment 3
Form of Lessee's Counsel Opinion	Attachment 4
Resolutions of Governing Body	Attachment 5
Incumbency Certificate	Attachment 6
Essential Use Letter	Attachment 7
Insurance Coverage Agreement	Attachment 8
Small Issuer Certificate	Attachment 9
Payment Request Form	Attachment 10
IRS Form 8038, Form 8038G or Form 8038GC (As Applicable)	Attachment 11
Uniform Commercial Code Financing Statement(s)	Attachment 12
Municipal Addendum (If Applicable)	Attachment 13

Attachment 1

EQUIPMENT LIST
(Acceptance Certificate No.4)

The Equipment which is the subject of that certain Master Equipment Lease-Purchase Agreement dated March 18, 2021, (the "Agreement") between Country Roads Leasing, LLC and Lessee is as follows:

One (1) New 2023 Jeep Grand Cherokee (VIN#1C4RJHAG6PC548592)

The above described
Equipment shall be
located at:

Upshur County Sheriff's Office
38 West Main Street
Buckhannon, West Virginia 26201

LESSEE:

Upshur County Commission 91 West Main Street Buckhannon, West Virginia 26201

By: _____

Name: Kristie G. Tenney

Title: President

Attachment 2

SCHEDULE OF PAYMENTS
(Acceptance Certificate No.4)

Pertaining to that certain Acceptance Certificate No.4 entered pursuant to that certain Master Equipment Lease-Purchase Agreement, dated March 18, 2021 (the "Agreement") between Country Roads Leasing, LLC ("Lessor") and Upshur County Commission ("Lessee").

All terms not defined herein have their meanings described in the Agreement.

A. RENTAL PAYMENTS, TERM, TRANSPORTATION AND DELIVERY COSTS.

The Rental Payments required under the Agreement for the Equipment described in the attached Description of Equipment will be:

\$12,177.23 per year made for a term of 4 payments, with the first payment due on April 20, 2023, and each subsequent payment due on the like day of each year thereafter.

A portion of each Rental Payment is paid as and represents payment of interest as set forth on Amortization Schedule attached hereto. Lessee agrees to and shall pay all transportation and/or delivery costs if any.

B. LATE PAYMENTS.

PURSUANT TO SECTION 12.5 OF THE AGREEMENT, THERE WILL BE A LATE PAYMENT CHARGE FOR EACH THIRTY (30) DAY PERIOD, OR PART THEREOF, DURING WHICH SUCH EVENT OF DEFAULT OCCURS, EQUAL TO ONE AND ONE-HALF (1.5%) PERCENT, OR THE HIGHEST LEGAL RATE ALLOWED BY LAW, WHICHEVER IS LESS, OF THE DELINQUENT AMOUNT OF PRINCIPAL AND ACCRUED INTEREST OWED.

C. BUDGETARY PERIOD.

Lessee's budgetary period is from July 1 to June 30.

THE TERMS GOVERNING THIS SCHEDULE OF PAYMENTS ARE CONTAINED IN THE AGREEMENT REFERENCED ABOVE AND APPLY WITH THE SAME FORCE AND EFFECT AS IF SET FORTH FULLY HEREIN.

LESSOR:

Country Roads Leasing, LLC Post Office Box 217 Bridgeport, West Virginia 26330
--

LESSEE:

Upshur County Commission 91 West Main Street Buckhannon, West Virginia 26201
--

By: _____
Name: Jeffrey W Smell
Title: Sole Member

By: _____
Name: Kristie G. Tenney
Title: President

Upshur County Sheriff 2023**Compound Period: Annual****Nominal Annual Rate: 6.100 %****CASH FLOW DATA**

Event	Date	Amount	Number	Period	End Date
Payment	04/20/2023	12,177.23	4	Annual	04/20/2026

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	04/20/2023				44,667.00
1	04/20/2023	12,177.23	0.00	12,177.23	32,489.77
2023 Totals		12,177.23	0.00	12,177.23	
2	04/20/2024	12,177.23	1,981.88	10,195.35	22,294.42
2024 Totals		12,177.23	1,981.88	10,195.35	
3	04/20/2025	12,177.23	1,359.96	10,817.27	11,477.15
2025 Totals		12,177.23	1,359.96	10,817.27	
4	04/20/2026	12,177.23	700.08	11,477.15	0.00
2026 Totals		12,177.23	700.08	11,477.15	
Grand Totals		48,708.92	4,041.92	44,667.00	

Last interest amount decreased by 0.03 due to rounding.

Attachment 3

ACCEPTANCE CERTIFICATE No. 4

THIS ACCEPTANCE CERTIFICATE is issued pursuant to that certain Master Equipment Lease-Purchase Agreement dated March 18, 2021 (the "Agreement") between Country Roads Leasing, LLC ("Lessor") and Upshur County Commission, ("Lessee"). All terms not defined herein shall have their meanings described in the Agreement.

1. The undersigned, as Lessee under the Agreement, acknowledges delivery, installation and receipt in good condition, and hereby accepts, all of the Equipment described on the attached Equipment List this 20th day of April 2023.

2. A present need exists for the Equipment which need is not temporary or expected to diminish in the near future. The Equipment is essential to and will be used by Lessee only for the purpose of performing one or more governmental functions of Lessee consistent with the permissible scope of Lessee's authority.

3. Lessee confirms that it will make all Rental Payments set forth on the Schedule of Payments attached hereto as required by and in accordance with Article V of the Agreement.

4. Lessee confirms that sufficient funds have been appropriated to make all Rental Payments due during its current fiscal year and expects and anticipates that sufficient funds will be available to make all Rental Payments due in subsequent years.

5. The Equipment is covered by insurance in the types and amounts required by the Agreement and is located at the location set forth in the attached Equipment List.

6. Lessee is exempt from all personal property taxes and is exempt from sales and/or use taxes with respect to the Equipment and the Rental Payments.

7. There is no litigation, action, suit or proceeding pending or before any court, administrative agency, arbitrator or governmental body, that challenges: the organization or existence of Lessee; the authority of Lessee or its officers to enter into the Agreement; the proper authorization, approval and execution of the Agreement and other documents contemplated thereby; the appropriation of moneys, or any other action taken by Lessee to provide moneys, sufficient to make Rental Payments coming due under the Agreement in Lessee's current fiscal year; or the ability of Lessee otherwise to perform its obligation under the Agreement and the transactions contemplated thereby.

8. No event of default, as such term is defined in the Agreement, and no event which with the giving of notice of lapse of time, or both, would become an event of default, has occurred and is continuing on the date hereof.

9. Lessee hereby authorizes and directs Lessor to fund the acquisition cost of the Equipment by paying the Vendor(s) the invoice price(s) as set forth on the attached Description of Equipment, and certifies that upon such payment, Lessor will have fully and satisfactorily performed all of its covenants and obligations under the Agreement with respect to the Equipment.

ATTEST:**LESSEE:****By:** _____**Name: Carol J. Smith****Title: County Clerk****By:** _____**Name: Kristie G. Tenney****Title: President**

Resolutions of Governing Body**LESSEE: Upshur County Commission**

Master Equipment Lease-Purchase Agreement dated: March 18, 2021

At a duly called meeting of the governing body of Lessee held in accordance with all applicable legal requirements, including open meeting laws, on the 20th day of April 2023, the following resolution was introduced and adopted.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the members of the Upshur County Commission ("Lessee") have determined that a true and very real need exists for the equipment (the "Equipment") described in the Master Equipment Lease-Purchase Agreement (the "Agreement") presented to this meeting; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment, and

WHEREAS, Lessee proposes to enter into the Agreement substantially in the form presented in this meeting:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:

Section 1. BEST INTERESTS OF LESSEE. It is hereby found and determined that the terms of the Agreement in the form presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. AUTHORIZATION. The Agreement is hereby approved. The President of Lessee and other officers of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Agreement with any changes, insertions and omissions therein as may be approved by the officer(s) who execute the Agreement, such approval to be conclusively evidenced by such execution and delivery of the Agreement. The President or County Clerk of the Lessee and any other officers of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Agreement and attest the same.

Section 3. EXECUTION OF DOCUMENTS. The proper officer(s) of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Agreement.

Section 4. DESIGNATION AS QUALIFIED TAX-EXEMPT OBLIGATION. Lessee hereby designates the Agreement as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986 as amended.

Section 5. EFFECTIVE DATE. This Resolution shall take effect immediately.

The undersigned certifies that the above resolution has not been repealed or amended and remains in full force and effect, and further certifies that the above and foregoing Agreement is the same as presented at said meeting of the governing body of Lessee.

Seal:

County Clerk

I hereby certify that I am the President of said governing body and that the foregoing is a correct copy of the resolution passed as therein set forth, and that the same is now in full force.

LESSEE:

Upshur County Commission 91 West Main Street Buckhannon, West Virginia 26201

By: _____

Name: Kristie G. Tenney

Title: President

Attachment 6

INCUMBENCY CERTIFICATE

I do hereby certify that I am the duly elected or appointed and acting President of the Upshur County Commission, a political subdivision duly organized and existing under the laws of the State of West Virginia, that I have custody of the records of such entity, and that, as of the date hereof, the individuals named below are duly elected or appointed officers of such entity holding the offices set forth opposite their respective names. I further certify that (i) the signatures set opposite their respective name and titles are their true and authentic signatures and (ii) such officer(s) have the authority on behalf of such entity to enter into that certain Master Equipment Lease-Purchase Agreement dated March 18, 2021 between such entity and Country Roads Leasing, LLC.

NAME	TITLE	SIGNATURE
Kristie G. Tenney	President	_____
Carol J. Smith	County Clerk	_____

IN WITNESS WHEREOF, I have duly executed this certificate and affixed and seal of such entity hereto this 20th day of April 2023.

By: _____

Name: Kristie G. Tenney

Title: President

Seal

Attachment 7

ESSENTIAL USE LETTER

Reference is made to that certain Master Equipment Lease-Purchase Agreement, dated as of March 18, 2021, (the "Agreement"), between Country Roads Leasing, LLC, as Lessor and the undersigned, as Lessee. The Equipment, as such term is defined in the Agreement can generally be described as follows:

One (1) New 2023 Jeep Grand Cherokee (VIN#1C4RJHAG6PC548592)

This confirms and affirms that the Equipment is essential to the governmental functions of Lessee. Further, Lessee has an immediate need for, and expects to make immediate use of, substantially all the Equipment, which need is not temporary or expected to diminish in the foreseeable future. The Equipment will be used by Lessee for the purpose of performing one or more of Lessee's governmental functions consistent with the permissible scope of Lessee's authority and not in any trade or business carried on by any person other than Lessee.

LESSEE:

**Upshur County Commission
91 West Main Street
Buckhannon, West Virginia 26201**

By: _____

**Name: Kristie G. Tenney
Title: President
Date: April 20, 2023**

Attachment 8

INSURANCE COVERAGE AGREEMENT**LESSEE:**

**Upshur County Commission
91 West Main Street
Buckhannon, West Virginia 26201**

LESSOR:

Country Roads Leasing, LLC
Post Office Box 217
Bridgeport, West Virginia 26330

Description of Equipment: One (1) New 2023 Jeep Grand Cherokee (VIN#1C4RJHAG6PC548592)

I understand that to provide protection from serious financial loss, should an accident or loss occur, my lease contract requires the equipment to be continuously covered with insurance against the risks of fire and theft, and that failure to provide such insurance gives the Lessor the right to declare the entire unpaid balance immediately due and payable.

I further understand that all insurance policies required pursuant hereto shall be so written or endorsed as to make losses, if any, payable to Lessee and Lessor, or its assignees, as their respective interests may appear, shall name Lessor and its assignees as additional insured, and shall be in form and amount and with insurance companies reasonably satisfactory to Lessor; that each insurer shall agree, by endorsement upon the policy or policies issued by it or by independent instrument furnished to Lessor, that (a) it will give Lessor thirty (30) days prior written notice of the effective date of any material alteration or cancellation of such policy; and (b) insurance as to the interest of any named additional insured or loss payee other than Lessee shall not be invalidated by any actions, inactions, breach of warranty or conditions or negligence of Lessee with respect to such policy or policies; and that the Net Proceeds (as defined in Section 8.01) of the insurance required in Article VII of the Agreement shall be applied as provided in Section 8.4 and 8.5 hereof.

Accordingly, I have arranged for the required insurance through the insurance company shown below and have requested my agent to note Lessor's interest in the equipment and name Lessor as additional insured.

INSURANCE AGENT

Name Jared Mullen

Address: 1819 Electric Road, Ste. C
Roanoke, VA 24018

Phone 540-904-1837

INSURANCE COMPANY

WV Corp.

Policy: WV-UP-049-22

Email jmullen@riskprograms.com

By: _____

Name: Kristie G. Tenney

Title: President

Date: April 20, 2023

Attachment 9

SMALL ISSUER CERTIFICATE

Reference is made to, and this certificate is attached to and made a part of, that certain Master Equipment Lease-Purchase Agreement (the "Agreement") dated as of March 18, 2021 by and between Country Roads Leasing, LLC, as Lessor, and Upshur County Commission, as Lessee.

1. Lessee has not issued, and reasonably anticipates that it and its subordinate entities will not issue, tax-exempt obligations (including the Agreement) in the amount of more than \$10,000,000 as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended ("Code"); and agrees that it and its subordinate entities will not designate more than \$10,000,000 of their obligations as "qualified tax-exempt obligations" during the current calendar year.

2. The parties assume and intend that the Agreement will qualify as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code. In the event that Lessor either (i) receives notice from the Internal Revenue Service; or (ii) reasonably determines, based on an opinion of independent tax counsel selected by Lessor and approved by Lessee, which approval Lessee shall not reasonably withhold, that the otherwise applicable exception set forth in Section 265(b)(3) of the Code is not available, then Lessee shall pay to Lessor within thirty (30) days after receiving notice from lessor of such event, the amount which with respect to rental payments previously paid, will restore the after-tax yield on the transaction evidenced by the Agreement to that which it would have been had such exception been available, and pay as an additional rent on succeeding rent payment due dates such amount as will maintain such after-tax yield.

3. The obligations of Lessee hereunder which accrue during the term of the Agreement shall survive termination of the Agreement.

4. The parties agree that this attachment is an integral part of the Agreement.

DATE: April 20, 2023

LESSOR:

Country Roads Leasing, LLC Post
Office Box 217
Bridgeport, West Virginia 26330

LESSEE:

Upshur County Commission
91 West Main Street
Buckhannon, West Virginia 26201

By _____
Name: Jeffrey W Smell
Title: Sole Member

By: _____
Name: Kristie G. Tenney
Title: President

Attachment 10

PAYMENT REQUEST FORM

Country Roads Leasing, LLC is hereby requested to facilitate payment to the person or corporation designated below as Payee, the sum set forth below such designation, in payment (of all/a portion) of the acquisition costs described below. The amount shown below is due and payable under a purchase order or contract with respect to the equipment item cost described below and has not formed the basis of any prior request for payment.

PAYEE: Elkins Chrysler Dodge Jeep Ram

AMOUNT: \$43,157.00

DESCRIPTION OF EQUIPMENT: One (1) New 2023 Jeep Grand Cherokee
(VIN#1C4RJHAG6PC548592)

LESSOR:

Country Roads Leasing, LLC Post
Office Box 217
Bridgeport, West Virginia 26330

LESSEE:

Upshur County Commission
91 West Main Street
Buckhannon, West Virginia 26201

By _____
Name: Jeffrey W Smell
Title: Sole Member

By: _____
Name: Kristie G. Tenney
Title: President
Date: April 20, 2023

ADDENDUM NO. 1
To
Master Lease-Purchase Agreement (the "Lease")
Dated March 18, 2021
By and Between Country Roads Leasing, LLC (the "Lessor") and
The Upshur County Commission (the "Lessee")

1. Pursuant to Section 7-1-3GG (3) of the West Virginia Code, as amended, the Lessee shall have the following options during each fiscal year of the Lease:

(a) The option to terminate the Lease and return the equipment without any further obligation on the part of Lessee;

(b) The option to continue the Lease for an additional rental period not to exceed one (1) year in length; and,

(c) The option to pay in advance at any time during any fiscal year the balance due under the Lease, with an appropriate rebate of the unearned interest or time-price differential, if any.

2. Lessee represents and certifies that the funds for the initial rental payment under this agreement are legally at the disposal of the Lessee for expenditure in the current fiscal year.

3. Any conflict between the terms and conditions of this Addendum and of the Lease shall be governed by the terms of this Addendum.

Dated: April 20, 2023

Country Roads Leasing, LLC Post
Office Box 217
Bridgeport, West Virginia 26330

By: _____
Its: Sole Member

Upshur County Commission
91 West Main Street
Buckhannon, West Virginia 26201

By: _____
Title: President

NOTICE AND ACKNOWLEDGMENT OF ASSIGNMENT

Pursuant to the Master Equipment Lease-Purchase Agreement ("Agreement") dated March 18, 2021, schedule #4 dated as of April 20, 2023, Country Roads Leasing, LLC ("Lessor"), hereby gives notice to the Upshur County Commission, whose address is, 91 West Main Street, Buckhannon, West Virginia 26201, ("Lessee") of an Assignment between Country Roads Leasing, LLC and Freedom Bank, ("Assignee") whose address is 625 West Main Street, Bridgeport, West Virginia 26330, by which Lessor assigned to Assignee all of its rights, title and interest in and to the Agreement and the Exhibits incorporated therein (collective, the "Assigned Lease"), the Equipment, and to the Lease Payment ("Lease Payment") and other amounts due under the Assigned Lease.

Lessee hereby agrees to (1) reflect this transfer through the book entry system maintained by Lessee pursuant to the Agreement, and (2) commencing on April 20, 2023 with 4 annual payments in the amount of \$12,177.23 and other amounts due pursuant to the Assigned Lease are payable to and should be remitted to the Assignee at the following or such other address as may be designated by Assignee:

**FREEDOM BANK
625 West Main Street
Bridgeport, West Virginia 26330**

For purposes of the Assignment, by receipt hereof, Lessee acknowledges that Lessor has assigned its right, title and interest under the Assigned Lease as such right, title and interest pertain to the Agreement.

Please acknowledge below and return the original of this Notice and Acknowledgment of Assignment to Country Roads Leasing, LLC.

LESSOR: COUNTRY ROADS LEASING, LLC

By: _____
SOLE MEMBER

ACKNOWLEDGED: LESSEE

By: _____
Its: **President**
Date: **April 20, 2023**

Form 8038-GC (Rev. January 2012) Department of the Treasury Internal Revenue Service	Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales ▶ Under Internal Revenue Code section 149(e) Caution: If the issue price of the issue is \$100,000 or more, use Form 8038-G.	OMB No. 1545-0720
Part I Reporting Authority		Check box if Amended Return <input type="checkbox"/>
1 Issuer's name Upshur County Commission		2 Issuer's employer identification number (EIN) <div style="border: 1px solid black; padding: 2px; display: inline-block;">5 5 6 0 0 0 4 0 6</div>
3 Number and street (or P.O. box if mail is not delivered to street address) 91 West Main Street, Suite 101		Room/suite
4 City, town, or post office, state, and ZIP code Buckhannon, West Virginia 26201		5 Report number (For IRS Use Only) <div style="border: 1px solid black; padding: 2px; display: inline-block;"> <div style="width: 15px; height: 15px; background-color: gray; display: inline-block;"></div> <div style="width: 15px; height: 15px; background-color: gray; display: inline-block;"></div> <div style="width: 15px; height: 15px; background-color: gray; display: inline-block;"></div> </div>
6 Name and title of officer or other employee of issuer or designated contact person whom the IRS may call for more information Kristie G. Tenney, President		7 Telephone number of officer or legal representative 304-472-0535
Part II Description of Obligations Check one: a single issue <input checked="" type="checkbox"/> or a consolidated return <input type="checkbox"/>		
8a Issue price of obligation(s) (see instructions)		8a 44,667 00
b Issue date (single issue) or calendar date (consolidated). Enter date in mm/dd/yyyy format (for example, 01/01/2009) (see instructions) ▶ 04/20/2023		
9 Amount of the reported obligation(s) on line 8a that is:		
a For leases for vehicles		9a 44,667 00
b For leases for office equipment		9b
c For leases for real property		9c
d For leases for other (see instructions)		9d
e For bank loans for vehicles		9e
f For bank loans for office equipment		9f
g For bank loans for real property		9g
h For bank loans for other (see instructions)		9h
i Used to refund prior issue(s)		9i
j Representing a loan from the proceeds of another tax-exempt obligation (for example, bond bank)		9j
k Other		9k
10 If the issuer has designated any issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check this box <input checked="" type="checkbox"/>		
11 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check this box (see instructions) <input type="checkbox"/>		
12 Vendor's or bank's name: Freedom Bank		
13 Vendor's or bank's employer identification number: 5 5 0 1 2 2 1 8 5		
Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person(s) that I have authorized above.		
Signature and Consent		
Signature of issuer's authorized representative 04/20/2023		Date
Kristie G. Tenney, President		Type or print name and title
Paid Preparer Use Only		
Print/Type preparer's name		Preparer's signature
Firm's name ▶		Date
Firm's address ▶		Check <input type="checkbox"/> if self-employed PTIN
		Firm's EIN ▶
		Phone no.

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about the Form 8038 series and its instructions, at www.irs.gov/form8038. Information about any future developments affecting the Form 8038 series (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

Form 8038-GC is used by the issuers of tax-exempt governmental obligations to provide the IRS with the information required by section 149(e) and to monitor the requirements of sections 141 through 150.

Who Must File

Issuers of tax-exempt governmental obligations with issue prices of less than \$100,000 must file Form 8038-GC.

Issuers of a tax-exempt governmental obligation with an issue price of \$100,000 or more must file Form 8038-G, Information Return for Tax-Exempt Governmental Obligations.

Filing a separate return for a single issue.

Issuers have the option to file a separate Form 8038-GC for any tax-exempt governmental obligation with an issue price of less than \$100,000.

An issuer of a tax-exempt bond used to finance construction expenditures must file a separate Form 8038-GC for each issue to give notice to the IRS that an election was made to

pay a penalty in lieu of arbitrage rebate (see the line 11 instructions).

Filing a consolidated return for multiple issues.

For all tax-exempt governmental obligations with issue prices of less than \$100,000 that are not reported on a separate Form 8038-GC, an issuer must file a consolidated information return including all such issues issued within the calendar year.

Thus, an issuer may file a separate Form 8038-GC for each of a number of small issues and report the remainder of small issues issued during the calendar year on one consolidated Form 8038-GC. However, if the issue is a construction issue, a separate Form 8038-GC must be filed to give the IRS notice of the election to pay a penalty in lieu of arbitrage rebate.

When To File

To file a separate return for a single issue, file Form 8038-GC on or before the 15th day of the second calendar month after the close of the calendar quarter in which the issue is issued.

To file a consolidated return for multiple issues, file Form 8038-GC on or before February 15th of the calendar year following the year in which the issue is issued.

Late filing. An issuer may be granted an extension of time to file Form 8038-GC under section 3 of Rev. Proc. 2002-48, 2002-37 I.R.B. 531, if it is determined that the failure to file on time is not due to willful neglect. Type or print at the top of the form, "Request for Relief under section 3 of Rev. Proc. 2002-48." Attach to the Form 8038-GC a letter briefly stating why the form was not submitted to the IRS on time. Also indicate whether the obligation in question is under examination by the IRS. Do not submit copies of any bond documents, leases, or installment sale documents. See *Where To File* next.

Where To File

File Form 8038-GC, and any attachments, with the Department of the Treasury, Internal Revenue Service Center, Ogden, UT 84201.

Private delivery services. You can use certain private delivery services designated by the IRS to meet the "timely mailing as timely filing/paying" rule for tax returns and payments. These private delivery services include only the following:

- DHL Express (DHL): DHL Same Day Service.
- Federal Express (FedEx): FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day, FedEx International Priority, and FedEx International First.
- United Parcel Service (UPS): UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M., UPS Worldwide Express Plus, and UPS Worldwide Express.

The private delivery service can tell you how to get written proof of the mailing date.

Other Forms That May Be Required

For rebating arbitrage (or paying a penalty in lieu of arbitrage rebate) to the Federal Government, use Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate. For private activity bonds, use Form 8038, Information Return for Tax-Exempt Private Activity Bond Issues.

For a tax-exempt governmental obligation with an issue price of \$100,000 or more, use Form 8038-G.

Rounding to Whole Dollars

You may show the money items on this return as whole-dollar amounts. To do so, drop any amount less than 50 cents and increase any amount from 50 to 99 cents to the next higher dollar.

Definitions

Obligations. This refers to a single tax-exempt governmental obligation if Form 8038-GC is used for separate reporting or to

multiple tax-exempt governmental obligations if the form is used for consolidated reporting.

Tax-exempt obligation. This is any obligation including a bond, installment purchase agreement, or financial lease, on which the interest is excluded from income under section 103.

Tax-exempt governmental obligation. A tax-exempt obligation that is not a private activity bond (see below) is a tax-exempt governmental obligation. This includes a bond issued by a qualified volunteer fire department under section 150(e).

Private activity bond. This includes an obligation issued as part of an issue in which:

- More than 10% of the proceeds are to be used for any private activity business use, and
- More than 10% of the payment of principal or interest of the issue is either (a) secured by an interest in property to be used for a private business use (or payments for such property) or (b) to be derived from payments for property (or borrowed money) used for a private business use.

It also includes a bond, the proceeds of which (a) are to be used to make or finance loans (other than loans described in section 141(c)(2)) to persons other than governmental units and (b) exceeds the lesser of 5% of the proceeds or \$5 million.

Issue. Generally, obligations are treated as part of the same issue only if they are issued by the same issuer, on the same date, and as part of a single transaction, or a series of related transactions. However, obligations issued during the same calendar year (a) under a loan agreement under which amounts are to be advanced periodically (a "draw-down loan") or (b) with a term not exceeding 270 days, may be treated as part of the same issue if the obligations are equally and ratably secured under a single indenture or loan agreement and are issued under a common financing arrangement (for example, under the same official statement periodically updated to reflect changing factual circumstances). Also, for obligations issued under a draw-down loan that meets the requirements of the preceding sentence, obligations issued during different calendar years may be treated as part of the same issue if all of the amounts to be advanced under the draw-down loan are reasonably expected to be advanced within 3 years of the date of issue of the first obligation. Likewise, obligations (other than private activity bonds) issued under a single agreement that is in the form of a lease or installment sale may be treated as part of the same issue if all of the property covered by that agreement is reasonably expected to be delivered within 3 years of the date of issue of the first obligation.

Arbitrage rebate. Generally, interest on a state or local bond is not tax-exempt unless the issuer of the bond rebates to the United States arbitrage profits earned from investing proceeds of the bond in higher yielding nonpurpose investments. See section 148(f).

Construction issue. This is an issue of tax-exempt bonds that meets both of the following conditions:

1. At least 75% of the available construction proceeds of the issue are to be used for construction expenditures with respect to property to be owned by a governmental unit or a 501(c)(3) organization, and

2. All of the bonds that are part of the issue are qualified 501(c)(3) bonds, bonds that are not private activity bonds, or private activity bonds issued to finance property to be owned by a governmental unit or a 501(c)(3) organization.

In lieu of rebating any arbitrage that may be owed to the United States, the issuer of a construction issue may make an irrevocable election to pay a penalty. The penalty is equal to 1-1/2% of the amount of construction proceeds that do not meet certain spending requirements. See section 148(f)(4)(C) and the Instructions for Form 8038-T.

Specific Instructions

In general, a Form 8038-GC must be completed on the basis of available information and reasonable expectations as of the date of issue. However, forms that are filed on a consolidated basis may be completed on the basis of information readily available to the issuer at the close of the calendar year to which the form relates, supplemented by estimates made in good faith.

Part I—Reporting Authority

Amended return. An issuer may file an amended return to change or add to the information reported on a previously filed return for the same date of issue. If you are filing to correct errors or change a previously filed return, check the "Amended Return" box in the heading of the form.

The amended return must provide all the information reported on the original return, in addition to the new corrected information. Attach an explanation of the reason for the amended return and write across the top "Amended Return Explanation."

Line 1. The issuer's name is the name of the entity issuing the obligations, not the name of the entity receiving the benefit of the financing. In the case of a lease or installment sale, the issuer is the lessee or purchaser.

Line 2. An issuer that does not have an employer identification number (EIN) should apply for one on Form SS-4, Application for Employer Identification Number. You can get this form on the IRS website at IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676). You may receive an EIN by telephone by following the instructions for Form SS-4.

Lines 3 and 4. Enter the issuer's address or the address of the designated contact person listed on line 6. If the issuer wishes to use its own address and the issuer receives its mail in care of a third party authorized representative (such as an accountant or attorney), enter on the street address line "C/O" followed by the third party's name and street address or P.O. box. Include the suite, room, or other unit number after the street address. If the post office does not deliver mail to the street address and the issuer has a P.O. box, show the box number instead of the

street address. If a change in address occurs after the return is filed, use Form 8822, Change of Address, to notify the IRS of the new address.

Note. The address entered on lines 3 and 4 is the address the IRS will use for all written communications regarding the processing of this return, including any notices. By authorizing a person other than an authorized officer or other employee of the issuer to communicate with the IRS and whom the IRS may contact about this return, the issuer authorizes the IRS to communicate directly with the individual listed on line 6, whose address is entered on lines 3 and 4 and consents to disclose the issuer's return information to that individual, as necessary, to process this return.

Line 5. This line is for IRS use only. Do not make any entries in this box.

Part II—Description of Obligations

Check the appropriate box designating this as a return on a single issue basis or a consolidated return basis.

Line 8a. The issue price of obligations is generally determined under Regulations section 1.148-1(b). Thus, when issued for cash, the issue price is the price at which a substantial amount of the obligations are sold to the public. To determine the issue price of an obligation issued for property, see sections 1273 and 1274 and the related regulations.

Line 8b. For a single issue, enter the date of issue (for example, 03/15/2010 for a single issue issued on March 15, 2010), generally the date on which the issuer physically exchanges the bonds that are part of the issue for the underwriter's (or other purchaser's) funds; for a lease or installment sale, enter the date interest starts to accrue. For issues reported on a consolidated basis, enter the first day of the calendar year during which the obligations were issued (for example, for calendar year 2010, enter 01/01/2010).

Lines 9a through 9h. Complete this section if property other than cash is exchanged for the obligation, for example, acquiring a police car, a fire truck, or telephone equipment through a series of monthly payments. (This type of obligation is sometimes referred to as a "municipal lease.") Also complete this section if real property is directly acquired in exchange for an obligation to make periodic payments of interest and principal.

Do not complete lines 9a through 9d if the proceeds of an obligation are received in the form of cash even if the term "lease" is used in the title of the issue. For lines 9a through 9d, enter the amount on the appropriate line that represents a lease or installment purchase. For line 9d, enter the type of item that is leased. For lines 9e through 9h, enter the amount on the appropriate line that represents a bank loan. For line 9h, enter the type of bank loan.

Lines 9i and 9j. For line 9i, enter the amount of the proceeds that will be used to pay principal, interest, or call premium on any other issue of bonds, including proceeds that will be used to fund an escrow account for this purpose. Several lines may apply to a particular obligation. For example, report on lines 9i and 9j obligations used to refund prior issues which represent loans from the proceeds of another tax-exempt obligation.

Line 9k. Enter on line 9k the amount on line 8a that does not represent an obligation described on lines 9a through 9j.

Line 10. Check this box if the issuer has designated any issue as a "small issuer exception" under section 265(b)(3)(B)(iii).

Line 11. Check this box if the issue is a construction issue and an irrevocable election to pay a penalty in lieu of arbitrage rebate has been made on or before the date the bonds were issued. The penalty is payable with a Form 8038-T for each 6-month period after the date the bonds are issued. Do not make any payment of penalty in lieu of rebate with Form 8038-GC. See Rev. Proc. 92-22, 1992-1 C.B. 736, for rules regarding the "election document."

Line 12. Enter the name of the vendor or bank who is a party to the installment purchase agreement, loan, or financial lease. If there are multiple vendors or banks, the issuer should attach a schedule.

Line 13. Enter the employer identification number of the vendor or bank who is a party to the installment purchase agreement, loan, or financial lease. If there are multiple vendors or banks, the issuer should attach a schedule.

Signature and Consent

An authorized representative of the issuer must sign Form 8038-GC and any applicable certification. Also print the name and title of the person signing Form 8038-GC. The authorized representative of the issuer signing this form must have the authority to consent to the disclosure of the issuer's return information, as necessary to process this return, to the person(s) that has been designated in this form.

Note. If the issuer authorizes in line 6 the IRS to communicate with a person other than an officer or other employee of the issuer, (such authorization shall include contact both in writing regardless of the address entered in lines 3 and 4, and by telephone) by signing this form, the issuer's authorized representative consents to the disclosure of the issuer's return information, as necessary to process this return, to such person.

Paid Preparer

If an authorized representative of the issuer filled in its return, the paid preparer's space should remain blank. Anyone who prepares the return but does not charge the organization should not sign the return. Certain others who prepare the return should not sign. For example, a regular, full-time employee of the issuer, such as a clerk, secretary, etc., should not sign.

Generally, anyone who is paid to prepare a return must sign it and fill in the other blanks in the *Paid Preparer Use Only* area of the return. A paid preparer cannot use a social security number in the *Paid Preparer Use Only* box. The paid preparer must use a preparer tax identification number (PTIN). If the paid preparer is self-employed, the preparer should enter his or her address in the box.

The paid preparer must:

- Sign the return in the space provided for the preparer's signature, and
- Give a copy of the return to the issuer.

Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Learning about the law or the form	4 hr., 46 min.
Preparing the form	2 hr., 22 min.
Copying, assembling, and sending the form to the IRS	2 hr., 34 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:M:S, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send the form to this address. Instead, see *Where To File*.



April 11, 2023

Upshur County Commission
Kristie Tenney, President
91 W. Main St., Suite 101
Buckhannon, WV 26201

Dear Commission Members,

On May 17-21, 2023, the Upshur County 4-H Leaders Association will be operating its annual Steak Sandwich fundraiser during the 2023 WV Strawberry Festival. Although our traditional site for this undertaking is the Church of the Transfiguration on Kanawha Street, we have not yet received confirmation that the church will be made available to us. At this time, we are requesting that the parking area in front of the Maintenance Building (40 Chancery Street) be reserved as a back-up location. The Steak Wagon would be placed on Chancery Street, fronting toward Locust Street, in much the same way as in 2021. For now, we ask that this function only as a back-up plan. If necessary, a formal request will be made by May 11

The steak sandwich sale serves as the only fundraising activity for the 4-H Leaders Association each year, which allows a wider and more diverse collection of positive youth development programming opportunities. A copy of the Certificate of Liability Insurance for the WVU Extension Service will be provided if it becomes necessary to use the Chancery St. site as a "Plan B".

As always, we are grateful for your continued support of the WVU Extension Service, the Upshur County 4-H program, and the youth of Upshur County.

Thank you,

A handwritten signature in blue ink, appearing to read 'Craig D. Presar'.

Craig D. Presar
WVU Extension Service
4-H Youth Development



State of West Virginia
John B. McCuskey

**Office of the State Auditor
County Collections Division
State Capitol, Building 1, Suite W-118
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305**

**State Auditor and
Commissioner of Delinquent
and Nonentered Lands**

**Toll Free: (888) 509-6568
Telephone: (304) 558-2262
Fax: (304) 558-4156
www.wvsao.gov**

April 3, 2023

Sheriff and Treasurer
of Upshur County
38 W Main Street
Room 101
Buckhannon, WV 26201

Re: Upshur County Notice of Auction of
Delinquent and Nonentered Lands

Dear Sheriff:

Enclosed is the list of properties that will be offered for sale on April 26, 2023 in the Upshur County Circuit Courtroom at 2:00 PM.

Should you have any knowledge that any of these properties should not be included in the Sale, please contact this office as soon as possible. The Auditor's Office does not wish to include any properties in the Sale that shouldn't be sold.

If you have any questions please feel free to contact me.

Sincerely yours,

Russell Rollyson
Senior Deputy State Auditor
County Collections Division

Encl(s)

cc: Upshur County Clerk
Upshur County Circuit Clerk
Upshur County Assessor
Upshur County Prosecuting Attorney
President of the Upshur County Commission

**WEB HANDOUT
UPSHUR COUNTY
4/26/2023 2:00 PM
Circuit Court Room**

CERTIFICATE OF SALE	TICKET #	DISTRICT	MAP	PARC	SUB PARCEL	SUB SUB PARCEL	ASSESSED NAME	LEGAL DESCRIPTION	MINIMUM BID
2022-C-000001	2597	BANKS	002P	0029	0000	0000	HILLIARD MICHAEL L SR HILLIARD VICTORIA C	4.0 AC WHITES CAMP	\$580.72
2022-C-000002	1410	BANKS	002Q	0016	0000	0000	CUTRIGHT DAVIS CLARK CUTRIGHT CORA RENEE	FS 123 LESS SUR 31.5CHERRY FORKCHERRY FORK	\$1,615.57
2022-C-000005	3454	BANKS	003Q	0019	0000	0000	MCCRAY DARLEY J & JESSIE	FS 0.495 ACKANAWHAKANAWHA	\$865.17
2022-C-000006	4177	BANKS	003Q	0048	0000	0000	POWERS LARRY W	SUR 2.636LITTLE KANAWHA RIVERLITTLE KANAWHA RIVER	\$716.05
2022-C-000009	5211	BANKS	003S	0072	0000	0000	VANDERHOFF ANGELIA	SUR 23.88 KANAWHA	\$1,295.25
2022-C-000013	680	BANKS	004T	0002	0000	0000	CHIDESTER SARAH	SUR 5 & 1/2 INT OG 42LAUREL RUNLAUREL RUN	\$351.84
2022-C-000014	677	BANKS	004T	0003	0000	0000	CHIDESTER RAYMOND & ROY	37.0 AC LAUREL RUNS SURSUR	\$1,127.78
2022-C-000019	2008	BANKS	9999	0000	4470	3005	FARKAS MARJORIE DEMASTES	4/16 INT COAL 78 3/4	\$175.89
2022-C-000020	2009	BANKS	9999	0000	4480	3012	FARKAS MARJORIE DEMASTES	4/16 INT OG 24 KANAWHA	\$175.89
2022-C-000021	2010	BANKS	9999	0000	4490	3005	FARKAS MARJORIE DEMASTES	4/16 INT OG 11 AC KANAWHA	\$175.89
2022-C-000022	2011	BANKS	9999	0000	4500	3005	FARKAS MARJORIE DEMASTES	4/16 INT OG 9 AC KANAWHA	\$175.89
2022-C-000023	2012	BANKS	9999	0000	4510	3005	FARKAS MARJORIE DEMASTES	4/16 INT OG 15 AC KANAWHA	\$175.89
2022-C-000024	1974	BANKS	9999	0000	4890	3001	ENGLAND MRS E J HEIRS	28/45 INT OG 101KANAWHAKANAWHA	\$273.92
2022-C-000025	1973	BANKS	9999	0000	4900	3001	ENGLAND JOHN R HEIRS	28/45 INT OG 45KANAWHAKANAWHA	\$214.03
2022-C-000026	2097	BANKS	9999	0000	5410	3001	FLEMING H L	1/3 INT OG 29 3/4 KANAWHA	\$182.47
2022-C-000027	3804	BANKS	9999	0001	1680	0000	MOORE HAROLD G	1/10 INT MINERALS 264.3 LESS COAL TRACE RUNCOAL TRACE RUN	\$212.03
2022-C-000028	4427	BANKS	9999	0002	7410	0000	ROLLYSON CORA DALE	1/24 INT OG 40 KANAWHA	\$175.89

CERTIFICATE OF SALE	TICKET #	DISTRICT	MAP	PARC	SUB PARCEL	SUB SUB PARCEL	ASSESSED NAME	LEGAL DESCRIPTION	MINIMUM BID
2022-C-000029	623	BANKS	9999	0004	8980	3001	CARTER VANCE G	1/4 INT FS 131.2 LESS SUR & LESS COAL 5 COW RUNLESS COAL 5 COW RUN	\$223.07
2022-C-000030	3079	BANKS	9999	0005	1800	3002	LECAS LAURA	1/6 INT FS 58 LESS SUR & COALKANAWHAKANAWHA	\$175.89
2022-C-000031	8051	BUCKHANNON	0003	0018	0002	0000	IRELAND SAUNDRA J	PARCEL A (SUR 0.149 AC)P/O LOTS 125 THRU 128P/O LOTS 125 THRU 128	\$385.81
2022-C-000032	10583	BUCKHANNON	0003	0060	0000	0000	ZICKEFOOSE BARBARA	SUR & 1/2 OG .407 (LOT 7)TENNERTONTENNERTON	\$953.60
2022-C-000033	6194	BUCKHANNON	0010	0025	0000	2002	ANDERSON ARDIE G & MEREDITH P	LOT 6 BLK C HAMPTON50X10050X100	\$175.89
2022-C-000034	6195	BUCKHANNON	0010	0026	0000	0000	ANDERSON ARDIE G & MEREDITH P	LOT 7 BLK C HAMPTON100.0 X 50.0100.0 X 50.0	\$175.89
2022-C-000037	8474	BUCKHANNON	005F	0109	0000	0000	LOWMAN MARIANNA	SUR 1.68MEADOW RUNMEADOW RUN	\$1,015.90
2022-C-000038	8537	BUCKHANNON	006F	0007	0005	0000	MARTENEY JAMES D & RAMONA S	FS 12 LESS SUR 0.84	\$2,214.09
2022-C-000039	8538	BUCKHANNON	006F	0007	0008	0000	MARTENEY JAMES D & RAMONA S	SC 6 LESS SUR 0.19	\$248.50
2022-C-000040	7587	BUCKHANNON	9999	0000	4260	0000	HAGER JOSEPH H & BULAH C	1/2 MIN 3.078 FINKS RUN	\$175.89
2022-C-000041	9355	BUCKHANNON	9999	0002	4910	0000	REED MURL	1/16 INT OG 111.76 BRIDGE RUN	\$177.55
2022-C-000042	9109	BUCKHANNON	9999	0002	7960	0000	OHIO VALLEY UNIVERSITY INC	COAL 40.50 UF & SEAMS BETWEENUF & PB (TR 82)BRUSHY FORKUF & PB (TR 82)BRUSHY FORK	\$175.89
2022-C-000043	9110	BUCKHANNON	9999	0002	8070	0000	OHIO VALLEY UNIVERSITY INC	COAL 28.032 UF & ABOVE(TR 71-1) BRUSHY FORK(TR 71-1) BRUSHY FORK	\$175.89
2022-C-000044	9111	BUCKHANNON	9999	0002	8120	0000	OHIO VALLEY UNIVERSITY INC	COAL 100.25 UF & BETWEEN UF & EL (TR 81) BRUSHY FORKEL (TR 81) BRUSHY FORK	\$177.98
2022-C-000045	9112	BUCKHANNON	9999	0002	8160	0000	OHIO VALLEY UNIVERSITY INC	2/3 INT COAL 133.11 UF & ABOVE(TR 32-32-3) SAULS RUN(TR 32-32-3) SAULS RUN	\$194.38
2022-C-000046	9113	BUCKHANNON	9999	0002	8310	0000	OHIO VALLEY UNIVERSITY INC	1/3 INT COAL 78 UF & ABOVE(TR 32- 3) SAULS RUN(TR 32-3) SAULS RUN	\$175.89

CERTIFICATE OF SALE	TICKET #	DISTRICT	MAP	PARC	SUB PARCEL	SUB SUB PARCEL	ASSESSED NAME	LEGAL DESCRIPTION	MINIMUM BID
2022-C-000047	8493	BUCKHANNON	9999	0003	0880	3001	MADER EDNA LEONA FAMILY LIMITED PARTNERSHIP	7/770 OG 48 & 5/770 INTOTHER MIN EXCEPT COALOTHER MIN EXCEPT COAL	\$175.89
2022-C-000048	8494	BUCKHANNON	9999	0003	0890	3001	MADER EDNA LEONA FAMILY LIMITED PARTNERSHIP	1/770 OG 62.2 & 5/770 INTOTHER MIN LESS COALOTHER MIN LESS COAL	\$175.89
2022-C-000049	10222	BUCKHANNON	9999	0003	3170	0000	REXROAD DAVID R	FS 21.594 LESS SUR	\$173.98
2022-C-000050	12749	BUCKHANNON CORP	0001	0053	0000	0000	METZNER REBECCA D	1/16 AC ISLAND AVE	\$250.07
2022-C-000053	16319	MEADE	0001	0026	0000	0000	KIRKPATRICK WILLIAM	LOTS 20 & 21 BLK 5 S ADRIANADDNADDN	\$495.32
2022-C-000055	16212	MEADE	0001	0130	0000	0000	HYRE MITCHELL W WRIGHT CARISSA	0.243 AC ADRIAN68.4 X 180.0 X 51.0 X 180.068.4 X 180.0 X 51.0 X 180.0	\$274.69
2022-C-000057	16648	MEADE	003K	0001	0000	3004	MAYLE JOEY	1/6 INT SUR 59.51SLAB CAMPSLAB CAMP	\$474.68
2022-C-000058	16650	MEADE	003K	0001	0000	3005	MAYLE JOSEPH L & SUE E	1/6 INT SUR 59.51SLAB CAMPSLAB CAMP	\$435.30
2022-C-000059	16649	MEADE	003K	0002	0000	3004	MAYLE JOEY	1/6 INT SUR 20SLAB CAMPSLAB CAMP	\$270.65
2022-C-000060	16651	MEADE	003K	0002	0000	3005	MAYLE JOSEPH L & SUE E	1/6 INT SUR 20SLAB CAMPSLAB CAMP	\$256.50
2022-C-000062	16862	MEADE	004K	0043	0000	0000	MONTANA SKY LLC	0.4909 AC FRENCH CREEK369.0 X 29.0 X 338.0 X 02.0 O369.0 X 29.0 X 338.0 X 02.0 O	\$278.86
2022-C-000064	14886	MEADE	004N	0041	0014	6001	CLARK JIMMY & BARBARA CLARK MARK & ERICA	SUR 6.98 ACLAUREL FORKLAUREL FORK	\$986.38
2022-C-000065	18088	MEADE	005L	0079	0000	3007	TICHNELL SHAWN	1/18 INT SUR 2 7/16 ACGRAND CAMPGRAND CAMP	\$199.04
2022-C-000066	18086	MEADE	005L	0080	0000	3006	TICHNELL JAMES	1/18 INT SUR 2.52GRAND CAMPGRAND CAMP	\$179.83
2022-C-000067	18089	MEADE	005L	0080	0000	3007	TICHNELL SHAWN	1/18 INT SUR 2.52GRAND CAMPGRAND CAMP	\$179.83
2022-C-000068	18087	MEADE	005L	0080	0004	3006	TICHNELL JAMES	1/18 INT SUR 39,348 SQ FT(.90 AC)GRAND CAMP(.90 AC)GRAND CAMP	\$175.89
2022-C-000069	18090	MEADE	005L	0080	0004	3007	TICHNELL SHAWN	1/18 INT SUR 39,348 SQ FT(.90 AC)GRAND CAMP(.90 AC)GRAND CAMP	\$175.89

CERTIFICATE OF SALE	TICKET #	DISTRICT	MAP	PARC	SUB PARCEL	SUB SUB PARCEL	ASSESSED NAME	LEGAL DESCRIPTION	MINIMUM BID
2022-C-000070	16681	MEADE	005M	0064	0000	3004	MCCARTNEY KATHY	1/4 INT SUR 38 1/4 GRAND CAMP GRAND CAMP	\$466.52
2022-C-000071	16038	MEADE	005N	0012	0001	0000	HOSAFLOOK RANDOLPH & GRACE M	SUR 5.537 AC LAUREL FORK (TRLR) (TRLR)	\$556.22
2022-C-000072	15434	MEADE	005N	0025	0004	0000	EVE RICHARD A	SUR 1.028 AC LAUREL FORK	\$334.16
2022-C-000073	14475	MEADE	005Q	0013	0004	0000	BASSFORD GEORGE JR	SUR 2.50 AC BUCKHANNON RIVER BUCKHANNON RIVER	\$545.16
2022-C-000074	14985	MEADE	005R	0017	0005	0000	COGAR AMANDA ROSE COGAR JOHNNY ERVIN	SUR 2.107 BUCKHANNON RIVER BUCKHANNON RIVER	\$572.10
2022-C-000075	17170	MEADE	006M	0011	0000	3003	PHILLIPS RONALD R & LAUREL C	1/6 INT SOG 12.75 AC	\$226.77
2022-C-000076	14546	MEADE	9999	0000	0970	0000	BLACK LURA K	OG 1 AC S M RUN	\$175.89
2022-C-000077	16578	MEADE	9999	0000	9220	0000	MADER EDNA LEONA FAMILY LIMITED PARTNERSHIP	1/2 INT OG 1.8 FRENCH CREEK	\$175.89
2022-C-000078	15222	MEADE	9999	0000	9500	3002	DEAL TABITHA JEAN	1/3 INT OG 6-2-3 BULL RUN BULL RUN	\$175.89
2022-C-000079	15223	MEADE	9999	0000	9510	3002	DEAL TABITHA JEAN	1/3 INT OG 18-2-34 BULL RUN BULL RUN	\$175.89
2022-C-000080	16984	MEADE	9999	0001	0350	0000	NORTON WAYNE D & JOY M	1/2 OG 8.84 FRENCH CREEK	\$175.89
2022-C-000081	16673	MEADE	9999	0003	0610	0000	MCCARTNEY JAMES T	OG 20 AC GRAND CAMP	\$176.55
2022-C-000083	22509	UNION	0002	0080	0000	0000	RODRIGUEZ JANIE LYNN ETAL	LOT 17 STATE ROUTE 33 MCCARTNEY ADDITION MCCARTNEY ADDITION	\$255.48
2022-C-000084	22510	UNION	0002	0081	0000	0000	RODRIGUEZ JANIE LYNN ETAL	LOT 16 STATE ROUTE 33 MCCARTNEY ADDITION MCCARTNEY ADDITION	\$2,011.71
2022-C-000085	22511	UNION	0002	0083	0005	0000	RODRIGUEZ JANIE LYNN ETAL	0.07 AC MCCARTNEY ADDN	\$170.81
2022-C-000086	22979	UNION	0005	0035	0000	0000	STROTHER STEPHEN B & NETONNIS	LOT T-11 15000 SQ FT ANDEREGGESTS 100 X 150 ESTS 100 X 150	\$1,396.28
2022-C-000089	21270	UNION	0006	0128	0000	0000	LOWMAN DANIEL L & MARIANNA	LOT 166 SEC IMIDDLE FORK RIVER MIDDLE FORK RIVER	\$277.55
2022-C-000090	22240	UNION	0006	0130	0000	0000	R & M AT MIDDLE FORK LLC	LOT 164 SEC IMIDDLE FORK RIVER MIDDLE FORK RIVER	\$455.30

CERTIFICATE OF SALE	TICKET #	DISTRICT	MAP	PARC	SUB PARCEL	SUB SUB PARCEL	ASSESSED NAME	LEGAL DESCRIPTION	MINIMUM BID
2022-C-000091	20944	UNION	0006	0203	0000	0000	KEENER SHAWN	LOT 47 SEC 1MIDDLE FORK CAMPER RESORTMIDDLE FORK CAMPER RESORT	\$227.19
2022-C-000092	22138	UNION	0006	0228	0000	0000	PINION CHRIS & ANNA	LOT 6 SEC I MIDDLE FORKRIVERRIVER	\$323.65
2022-C-000093	20928	UNION	006F	0019	0002	0000	JONES KATELYN JUNE	SUR 1.672CHILDERS RUNCHILDERS RUN	\$2,751.30
2022-C-000096	18855	UNION	007E	0041	0000	0000	ALLMAN PAMELA EDMISTON	FS 10.09 LESS COALBKHN RIVERBKHN RIVER	\$471.95
2022-C-000097	23321	UNION	007F	0028	0000	0000	WAGONER KENNETH D II	15262 SQ FEET BIG SAND RUN240.0 X 130.0 X 230.0240.0 X 130.0 X 230.0	\$170.81
2022-C-000098	23322	UNION	007F	0029	0000	0000	WAGONER KENNETH D II	SOG 0.72BIG SAND RUNBIG SAND RUN	\$1,561.94
2022-C-000102	20938	UNION	009D	0001	0000	3010	KANE ANNE V	2889/3000 INT FS 125MIDDLE FORKMIDDLE FORK	\$1,237.30
2022-C-000103	20224	UNION	009D	0014	0001	0000	FRANCIOLI EVE L	SUR 0.08 ACMIDDLE FORKMIDDLE FORK	\$179.17
2022-C-000104	22241	UNION	009E	0045	0000	0000	R & M AT MIDDLEFORK LLC	SUR 149.85MIDDLE FORKMIDDLE FORK	\$11,151.21
2022-C-000105	19639	UNION	009K	0017	0000	3001	CLARK FLOYE L	3/4 INT SUR 1-3-27MIDDLE FORKMIDDLE FORK	\$204.61
2022-C-000106	22045	UNION	009K	0018	0000	0000	PAUGH JOSEPH E & CHARLOTTE V	FS 0.75 AC MIDDLE FORK177.0X264.0X148.0X190.0177.0X 264.0X148.0X190.0	\$223.89
2022-C-000107	20487	UNION	9999	0000	1000	0000	H3 LLC	FS 1/2 AC LESS SCBIG SAND RUNBIG SAND RUN	\$175.89
2022-C-000108	19217	UNION	9999	0000	1400	0000	BOGGS HARRIET	1/5 INT OG 60 STAUNTON PIKE	\$175.89
2022-C-000109	20028	UNION	9999	0000	4680	0000	DOOLEY IDA A	11/60 INT OG 20 STAUNTON PIKE	\$175.89
2022-C-000110	21017	UNION	9999	0000	8990	3002	KNEECE BARBARA A	1/2 INT COAL 25LAUREL FORKLAUREL FORK	\$175.89
2022-C-000111	22150	UNION	9999	0001	6100	0000	PLUMMER ELIZABETH RENEE	OG 62.5 BKHN RIVER	\$273.52
2022-C-000112	21142	UNION	9999	0001	7420	0000	LEE DONNA M	OG 41.05 MIDDLE FORK RIVER	\$192.00
2022-C-000114	21890	UNION	9999	0002	4310	0000	NESBITT JACKSON N ET AL	FS 6.3755 LESS SURSTAUNTON PIKESTAUNTON PIKE	\$177.55
2022-C-000115	19538	UNION	9999	0002	4650	0000	CARTER RAMONA R	1/9 INT OG 41 3/4	\$175.89
2022-C-000116	21906	UNION	9999	0002	4710	0000	NITZ ROGER	1/9 INT OG 41 3/4	\$175.89

CERTIFICATE OF SALE	TICKET #	DISTRICT	MAP	PARC	SUB PARCEL	SUB SUB PARCEL	ASSESSED NAME	LEGAL DESCRIPTION	MINIMUM BID
2022-C-000117	21918	UNION	9999	0003	0840	0000	NORTH COAST ENERGY EASTERN INC	OG 58 1/2 ISLAND RUN	\$266.54
2022-C-000118	22565	UNION	9999	0003	2990	3021	RUTHS CHRIS PARTNERSHIP	1.996% OF 2.5% INT OG 260.87MIDDLE FORK/JENKS FORKMIDDLE FORK/JENKS FORK	\$175.89
2022-C-000119	20489	UNION	9999	0003	2990	3045	HAARLOW BLAIR R	0.167% OF 2.5% INT OG 260.87MIDDLE FORK/JENKS FORKMIDDLE FORK/JENKS FORK	\$175.89
2022-C-000120	20075	UNION	9999	0003	3070	0000	ELEMENTAL RESOURCES LLC	COALBED METHANE 4.25CHILDERS RUNCHILDERS RUN	\$175.89
2022-C-000121	26462	WARREN	005C	0023	0000	0000	SEARS ROBERT W & PATRICIA L	SUR 1.65HACKERS CREEKHACKERS CREEK	\$531.55
2022-C-000124	25904	WARREN	005C	0043	0001	0000	ORTIZ IRIS	SUR .75 AC HACKERS CREEK	\$860.50
2022-C-000126	24536	WARREN	007E	0003	0011	0000	CUTRIGHT JUDITH & ROBERT	SUR 6 ACBUCKHANNON RIVERBUCKHANNON RIVER	\$706.82
2022-C-000127	24192	WARREN	9999	0000	0410	0000	BENNETT LENORA	OG 122--13 HACKERS CREEK	\$375.62
2022-C-000128	25861	WARREN	9999	0000	2100	0000	OHIO VALLEY UNIVERSITY INC	COAL 101.97 PECKS RUN	\$178.39
2022-C-000129	25862	WARREN	9999	0000	4640	0000	OHIO VALLEY UNIVERSITY INC	COAL 51 1/2 ROVERS RUN	\$175.89
2022-C-000130	25863	WARREN	9999	0000	4700	0000	OHIO VALLEY UNIVERSITY INC	COAL 107--11 BV PECKS RUN	\$178.77
2022-C-000131	25864	WARREN	9999	0000	6140	0000	OHIO VALLEY UNIVERSITY INC	RS COAL 109.103 (CORR FROM	\$175.89
2022-C-000132	25865	WARREN	9999	0000	6150	0000	OHIO VALLEY UNIVERSITY INC	RS COAL 16.055	\$175.89
2022-C-000133	25866	WARREN	9999	0000	8820	0000	OHIO VALLEY UNIVERSITY INC	COAL 21.6 MND OUT TURKEY RUN	\$175.89
2022-C-000134	25867	WARREN	9999	0000	9800	0000	OHIO VALLEY UNIVERSITY INC	COAL 38.01 WKD OUT	\$175.89
2022-C-000135	26175	WARREN	9999	0001	0010	0000	QUEEN MICHAEL A & AMY L	COAL 3.94 PECKS RUNMND OUTMND OUT	\$175.89
2022-C-000136	25868	WARREN	9999	0001	0670	0000	OHIO VALLEY UNIVERSITY INC	COAL 120 ROCK RUN	\$180.41
2022-C-000137	25869	WARREN	9999	0001	1060	0000	OHIO VALLEY UNIVERSITY INC	COAL 24 1/2 BKHN RIVER	\$175.89
2022-C-000138	25870	WARREN	9999	0001	1070	0000	OHIO VALLEY UNIVERSITY INC	COAL 61 BKHN RIVER	\$175.89

CERTIFICATE OF SALE	TICKET #	DISTRICT	MAP	PARC	SUB PARCEL	SUB SUB PARCEL	ASSESSED NAME	LEGAL DESCRIPTION	MINIMUM BID
2022-C-000139	26611	WARREN	9999	0001	2220	0000	SQUIRES VAN R & GLADYS	5.63 LESS 1/2 OG HACKERS CR	\$175.89
2022-C-000140	25871	WARREN	9999	0001	2800	0000	OHIO VALLEY UNIVERSITY INC	COAL 70.3	\$175.89
2022-C-000141	25872	WARREN	9999	0001	2810	0000	OHIO VALLEY UNIVERSITY INC	COAL 27 4/5 AC	\$175.89
2022-C-000142	28096	WASHINGTON	0001	0011	0000	0000	COMPTON JEFFREY & BARBARA	SUR 1.669 BKHN RIVERTEN MILETEN MILE	\$454.08
2022-C-000145	30415	WASHINGTON	006J	0132	0000	3001	REGER ROBERT H ET AL	1/5 INT SUR 5 & 2.33 COGBEECHWOOD CAMPBEECHWOOD CAMP	\$184.11
2022-C-000146	30416	WASHINGTON	006J	0132	0000	3002	REGER ROBERT H JR	4/5 INT SUR 5 & 2.33 COGBEECHWOOD CAMPBEECHWOOD CAMP	\$331.11
2022-C-000147	29029	WASHINGTON	006L	0011	0003	6001	HUMPHREY TROY & BERTHA	SUR 5 GRASSY RUN	\$479.87
2022-C-000148	31434	WASHINGTON	007J	0048	0003	0000	UMBLE GARY W & MICHELLE D	SUR 1 B SAND RUN	\$213.92
2022-C-000149	31435	WASHINGTON	007J	0048	0006	0000	UMBLE GARY WAYNE UMBLE MICHELLE	SUR 12.89 & 1/2 OGBIG SAND RUNBIG SAND RUN	\$549.04
2022-C-000150	28622	WASHINGTON	007J	0048	0007	0000	GLASSER PAMELA	SUR 1.06 & 1/2 OGBIG SAND RUNBIG SAND RUN	\$388.37
2022-C-000151	28624	WASHINGTON	007J	0048	0008	0000	GLASSER PAMELA J	TRACT A (SUR 14.11 & 1/8OG 61.69) BIG SAND RUNOG 61.69) BIG SAND RUN	\$356.68
2022-C-000152	30326	WASHINGTON	008K	0060	0000	0000	QUICK BERNARD D & KAREN J	SUR 2.161 & OG .50 SAND RUN	\$1,402.79
2022-C-000153	30327	WASHINGTON	008P	0042	0005	0000	QUICK DUSTIN ANDREW	SUR 2.515 ACJACKSON FORKJACKSON FORK	\$234.55
2022-C-000154	27457	WASHINGTON	9999	0000	1030	0000	BENNETT KEITH R & CLARA J	1/12 INT FS 74-3 LESS SCMIDDLE FORKMIDDLE FORK	\$176.74
2022-C-000155	27458	WASHINGTON	9999	0000	1040	0000	BENNETT KEITH R & CLARA J	1/6 INT FS -3 LESS SCMIDDLE FORKMIDDLE FORK	\$175.89
2022-C-000156	28297	WASHINGTON	9999	0000	3550	0000	CUTRIGHT MARY E	OG 29 TEN MILE	\$215.68
2022-C-000157	28561	WASHINGTON	9999	0000	5380	0000	GALLOWAY CO INC	COAL 56 MIDDLE FORK	\$179.43
2022-C-000158	28562	WASHINGTON	9999	0000	5390	0000	GALLOWAY CO INC	COAL 45--110 SAND RUN	\$175.89
2022-C-000159	28832	WASHINGTON	9999	0000	6440	0000	HEAVNER GOFF	OG 11--25 TRUBIES RUN	\$184.52
2022-C-000160	28833	WASHINGTON	9999	0000	6450	0000	HEAVNER GOFF	OG 29.40 TRUBIES RUN	\$216.52

CERTIFICATE OF SALE	TICKET #	DISTRICT	MAP	PARC	SUB PARCEL	SUB SUB PARCEL	ASSESSED NAME	LEGAL DESCRIPTION	MINIMUM BID
2022-C-000161	29112	WASHINGTON	9999	0000	8010	0000	JOHNSON WARD ALLEN	1/2 INT OG 33.10	\$194.36
2022-C-000162	30634	WASHINGTON	9999	0001	1040	3021	RUTHS CHRIS PARTNERSHIP	1.996% OF 2.5% INT OG 75MIDDLE FORK/JENKS FORKMIDDLE FORK/JENKS FORK	\$175.89
2022-C-000163	28719	WASHINGTON	9999	0001	1040	3045	HAARLOW BLAIR R	0.167% OF 2.5% INT OG 75MIDDLE FORK/JENKS FORKMIDDLE FORK/JENKS FORK	\$175.89
2022-C-000164	30635	WASHINGTON	9999	0001	1050	3021	RUTHS CHRIS PARTNERSHIP	1.996% OF 2.5% INT OG 83MIDDLE FORK/JENKS FORKMIDDLE FORK/JENKS FORK	\$175.89
2022-C-000165	28720	WASHINGTON	9999	0001	1050	3045	HAARLOW BLAIR R	0.167% OF 2.5% INT OG 83MIDDLE FORK/JENKS FORKMIDDLE FORK/JENKS FORK	\$175.89
2022-C-000166	30636	WASHINGTON	9999	0001	1060	3021	RUTHS CHRIS PARTNERSHIP	1.996% OF 2.5% INT OG 162MIDDLE FORK/JENKS FORKMIDDLE FORK/JENKS FORK	\$175.89
2022-C-000167	28721	WASHINGTON	9999	0001	1060	3045	HAARLOW BLAIR R	0.167% OF 2.5% INT OG 162MIDDLE FORK/JENKS FORKMIDDLE FORK/JENKS FORK	\$175.89
2022-C-000168	30299	WASHINGTON	9999	0001	3160	0000	POWERS JANET C	1/4 INT COG 60 LESS SEWELLVEINVEIN	\$193.56
2022-C-000169	31762	WASHINGTON	9999	0001	3930	3002	WOODY AMANDA BEER	1/4 INT OG 27	\$177.14
2022-C-000170	29834	WASHINGTON	9999	0001	3930	3004	MITCHELL JOANN BARNETT	1/4 INT OG 27	\$177.14
2022-C-000171	29392	WASHINGTON	9999	0002	0600	0000	LEWIS S E & MILDRED L	1/4 INT OG 80 TEN MILE	\$186.11
2022-C-000172	29618	WASHINGTON	9999	0002	7310	0000	MCDOWELL LINDA	1/5 INT ALL MINERALS 246 LESSCOAL MIDDLE FORKCOAL MIDDLE FORK	\$251.36
2022-C-000173	31763	WASHINGTON	9999	0002	8460	3002	WOODY AMANDA BEER	1/4 INT FS 17 LESS SCL SAND RUNL SAND RUN	\$175.89
2022-C-000174	29835	WASHINGTON	9999	0002	8460	3004	MITCHELL JOANN BARNETT	1/4 INT FS 17 LESS SCL SAND RUNL SAND RUN	\$175.89

REQUEST FOR APPLICANTS

PART-TIME POSITION

UPSHUR COUNTY ASSESSOR'S OFFICE

The Upshur County Assessor's Office is seeking qualified applicants for a part-time position.

Must have general knowledge of Upshur County, good communication skills, basic computer skills, and be willing to take classes to meet State requirements. Duties include, but are not limited to: Data Entry, Scanning and Archiving Documents, and Assisting Taxpayers. Successful applicants will be required to complete a background check. Pay rate for this position will be \$12.00 per hour. Hours not to exceed 1,040 per year or 19.5 hours per week.

Applications may be picked up at:

Upshur County Assessor's Office

38 W Main Street Room 102

Buckhannon, WV 26201

Or online by visiting <http://www.upshurcounty.org/Application%202017.pdf>

Application and resumes must be received by 4:00 pm on April 26, 2023. Please do not make phone inquiries about this position. Employment with the Assessor's Office is available to all qualified applicants without regard to actual or perceived race, creed, color, national origin, sex, gender identity, sexual orientation, disability, age or handicap. Upshur County has established a drug free and tobacco free work environment.

UPSHUR COUNTY BUILDING & FLOODPLAIN PERMITS

MARCH 1, 2023 - MARCH 15, 2023

[illegible]

TOTAL	TOTAL	TOTAL
\$216,400.00	\$135.00	\$0.00

UPSHUR COUNTY BUILDING & FLOODPLAIN PERMITS
MARCH 16, 2023 - MARCH 31, 2023

DATE ISSUED	PERMIT NUMBER	UID NUMBER	APPLICANT NAME	APPLICANT ADDRESS	ESTIMATED PROJECT COST	BUILDING PERMIT PAID	FLOODPLAIN PERMIT PAID	CHECK, CASH, COUNTY CLERK OR ONLINE	DESCRIPTION OF PROJECT	CONTRACTOR OR PROPERTY OWNER	FLOODPLAIN
3/16/2023	9108	82293	CHAPMAN, CARESSA	PO BOX 2203, BUCKHANNON, WV 26201	\$200,000.00	\$15.00		CHECK	24' X 40' FOX'S PIZZA BUILDING	SELF	
3/16/2023	9109	NEW	SMITH, KEITH R	949 WOLFGANG RD, ROCK CAVE, WV 26234	\$65,000.00	\$15.00		CASH	24' X 32' NEW HOUSE	SELF	
3/21/2023	9110	698	GEORGE, SANDRA	40 BRIGHTON DR, BUCKHANNON, WV 26201	\$10,000.00	\$15.00		CASH	18' X 31' GARAGE	SELF	
3/23/2023	9111	81371	AEGAN, DANA CHARLES	250 REMINGTON LN, BUCKHANNON, WV 26201	\$5,000.00	\$15.00		CHECK	15' X 20' METAL GARAGE	SELF	
3/24/2023	9112	81353	FURNER, JEFF	96 SYCAMORE SHAW RD, SALEM, WV 26426	\$10,000.00	\$15.00		CC	20' X 40' PAVILION WITH BARN ROOF	SELF	
3/27/2023	9115	80768	GOFF, JAMES	11191 OLD ELKINS RD, ELLAMORE, WV 26267	\$2,000.00	\$15.00	\$75.00	CASH	24' X 30' NEW CARPORT AND MOVE EXISTING CARPORT TO NEW LOCATION	SELF	FLOODPLAIN
3/27/2023	9114	644	WARE, FREDERICK L	1225 THREE LICK RD, BUCKHANNON, WV 26201	\$5,550.00	\$15.00		CASH	ROOF ON GARAGE	SELF	
3/30/2023	9115	4009	SHREVE, ALAN	2639 BRUSHY FORK RD, BUCKHANNON, WV 26201	\$14,000.00	\$15.00		CASH	30' X 36' METAL BUILDING	SELF	

TOTAL
\$311,550.00

TOTAL
\$120.00

TOTAL
\$75.00

GRAND
PROJECT
TOTAL
\$527,950.00

GRAND BP
TOTAL
\$255.00

GRAND FP
TOTAL
\$75.00

Upshur County Farm Bureau
PO Box 425, Buckhannon, WV 26201

April 7, 2023

Upshur County Commission
Upshur County Administrative Annex
Buckhannon, WV 26201

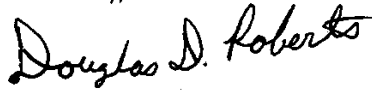
Attention: County Administrator Tabatha R. Perry

Dear Ms. Perry:

Re: Upshur County Youth Camp – Nomination Committee

This is to inform you that the Upshur County Farm Bureau board of Directors selected Thana Wentz to be its nominee to serve on the Nominating Committee. This action was taken on March 28, 2023 at the regular monthly meeting of the Upshur County Farm Bureau board of directors.

Yours truly,



Douglas Roberts,
Vice President
Upshur County Farm Bureau

Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323



Phone: (304) 340-0300

Fax: (304) 340-0325



April 10, 2023

To Local Exchange Carrier and providers of Commercial Mobile Radio Service
and each County Commission

Cellspan Inc.

John Liebermann, President
1529 43rd Street
Brooklyn New York 11219

Comlink Total Solutions Corp

Matthew Santini, CEO
2891 Center Pointe Dr. Ste. 203
Fort Myers, FL 33916

Julie Mueller, Esq.

ACN Communication Services, Inc.
1000 Progress Place, NE
Concord, NC 28025

Jeff Martin

Morgan Wireless, LLC
303 North Washington Street
Berkeley Springs, WV 25411

NetFortris Acquisition Company, Inc.

Robert Abrams
8517 Excelsior Dr., Suite 301
Madison, WI 53717

James Prenetta

Fusion Cloud Services, LLC
210 Interstate North Parkway
Suite 200
Atlanta, GA 30339

Raymond Cowley

iNetworks Group, Inc.
125 S. Wacker Drive, 2510
Chicago, IL 60606

Kristi Moody

US LEC Communications LLC
Intellifiber Networks, LLC
4001 N. RODNEY PARHAM RD.
Little Rock, AR 72212

Joseph OHara

Magna5 LLC
3001 Dallas Pkwy, Suite 610
Frisco, TX 75034

Mary Buley

Onvoy, LLC
10300 6th Avenue, North
Plymouth, MN 55441

Thomas Hadden, COO

Simwood, Inc.
5016 Spedale Ct., Ste. 304
Spring Hill, TN 3717

Ted Price
TelCove Operations, LLC
1025 Eldorado Blvd.
Broomfield, CO 80021

E. Cohan
Wholesale Carrier Services, Inc.
295 Madison Ave., 5th Floor
New York, NY 10017

Linda Manske
US Signal Company, LLC
201 Ionia Ave SW
Grand Rapids, MI 49503

Matt Steinfort
Zayo Group, LLC
1805 29th Street Ste 2050
Boulder, CO 80301

RE: GO 187.62
In the matter of Revisions to the Rules Governing Emergency
Telephone Service, 150 C.S.R. Series 25.

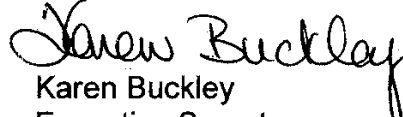
Ladies/Gentlemen:

Enclosed is a copy of a Commission order issued today in the above-styled proceeding. **Please note all other parties have agreed to receive this order via electronic notification.**

Documents submitted to the Public Service Commission of West Virginia may be 1) uploaded to its public website, 2) subject to public disclosure under the West Virginia Freedom of Information Act, and/or 3) subject to disclosure under the West Virginia Open Governmental Proceedings Act. Do not submit personal information with your filings. The Commission is not responsible for confidential or personal information included with your submission. A list of personal information is available here:
http://www.psc.state.wv.us/Privacy_Policy/WhatIsPII.htm

If you have provided an email address you will automatically receive notifications as documents are filed in this proceeding. The email notifications allow recipients to view a document within an hour from the time the filing is processed. If you have not provided your email address, please send an email to caseinfo@psc.state.wv.us and state the case number in the email subject field. **You are encouraged to file an Electronic Mail Agreement which allows the commission to serve all orders issued in this matter via electronic notification.**

Sincerely,


Karen Buckley
Executive Secretary

KB/jt
Enc.

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
in the City of Charleston on the 10th day of April 2023.

GENERAL ORDER NO. 187.62

In the matter of Revisions to the Rules
Governing Emergency Telephone Service,
150 C.S.R. Series 25.

COMMISSION ORDER

The Commission proposes amendments to the Rules Governing
Emergency Telephone Service, 150 C.S.R. Series 25 (Emergency Telephone
Rules), attached hereto as Attachment A. The Commission invites interested
parties to submit comments to the proposed rules and requires the Executive
Secretary to provide notice of this proceeding.

BACKGROUND

In 1997 the Commission promulgated a new series of rules known as the
Emergency Telephone Rules in response to legislation¹ which required
commercial mobile radio service (CMRS) providers,² subject to the Commission's
jurisdiction under W. Va. Code § 24-2-1, to bill and collect monthly fees for
Enhanced 911 Service from their in-state two-way service subscribers³ and remit
the funds to the Commission to disburse the revenue to designated recipients in
the State. The Commission has revised the Emergency Telephone Rules, when
necessary, to remain consistent with reenacted provisions of W. Va.
Code § 24-6-6b.

On March 6, 2020, the Legislature of West Virginia passed Enrolled
Committee Substitute for Senate Bill 579 (SB 579); which revised the section
heading of W. Va. Code § 24-6-6b (2008) and rewrote section (6b).

¹ The West Virginia Legislature passed Senate Bill 278 on April 12, 1997 which directed the Commission
to establish rules and procedures to govern the collection and distribution of certain fees.

² CMRS provider means cellular licensees, broadband personal communications services licensees and
specialized mobile radio providers which offer, on a post-paid or prepaid basis, real-time, two-way voice
service that is interconnected with the public switched network. W. Va. Code § 24-6-2.

³ In-state two-way service subscriber means is "[a] person or entity with a valid retail CMRS subscription."
Emergency Telephone Rule 2.11 (eff. Dec. 3, 2018)

An Act to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-6b of said code, all relating to changing the wireless enhanced 911 fee; and establishing a separate public safety fee and wireless tower fee.

Acts 2020, 1st Regular Session, c. 303, eff. Jun. 4, 2020. Accordingly, the revised statute required significant changes to the Emergency Telephone Rules.

Therefore, the Commission issued a general order to provide guidance to CMRS providers regarding the statutory amendments of SB 579. General Order No. 187.55, In the matter of Emergency Telephone Rules to provide guidance regarding E911 fee billing requirements, Comm'n Order (Jun. 5, 2020). We explained that W. Va. Code § 24-6-6b, as amended, separates what was previously known as the Wireless Enhanced 911 fees, or E911 Fees, into a revised Wireless Enhanced 911 Fee (WE911 Fee), a Public Safety Wireless Fee and a Wireless Tower Fee. We directed CMRS providers to begin listing each fee as a separate line item on their monthly billing statements and collect and remit the funds separately, pursuant to the statute. Id. at 2.

DISCUSSION

The Commission proposes amendments to the Emergency Telephone Rules to implement SB 579 and ensure consistency with W. Va. Code § 24-6-6b (2020). Certain other proposed changes to the style and organization of the Rules are intended to make the text more easily understood. The substantive changes are discussed below, while stylistic changes are reflected in the proposed rules attached hereto as Attachment A. Proposed additions are indicated by underlining and proposed deletions are indicated by strikethrough.

Proposed Amendments to the Emergency Telephone Rules

The Commission proposes changing the title to "Rules Governing Emergency and Wireless Telephone Service" to reflect the language of W. Va. Code § 24-6-6b, as amended.

§150-25-1. General.

1.1. Scope -- These ~~r~~Rules govern the billing, collection, and remission of ~~the w~~Wireless ~~e~~Enhanced 911 ~~monthly f~~Fees, the Public Safety Fee and the Wireless Tower Fee, on a monthly basis, by certain telecommunications carriers subject to the jurisdiction of the Public Service Commission of West Virginia (Commission) pursuant to W. Va.

- Code §24-2-1 and the disbursement of such fee revenues in accordance with W. Va. Code §24-6-6b to the West Virginia State Police, Division of Homeland Security and Emergency Management, Wireless Tower Access Assistance Fund, and counties in West Virginia. Additionally, these ~~Rules~~ establish guidelines to be used by the ~~Public Service Commission~~ in evaluating any request by a project sponsor for funding assistance for the acquisition, equipping and construction of new wireless towers, which would provide enhanced 911 service coverage, and which would not be available otherwise due to the marginal financial viability of the applicable tower coverage area.

Commission Comment: Rule 1.1 is revised to refer to each fee separately to be consistent with W. Va. Code § 24-6-6b(a). The Wireless Tower Access Assistance Fund is added as a recipient of the fee revenues pursuant to W. Va. Code § 24-6-6b(e). Also, "Commission" is added as a short reference to the Public Service Commission of West Virginia.

§150-25-2. Definitions.

~~2.2. "Commission" — The Public Service Commission of West Virginia.~~

Commission Comment: Rule 2.2 is deleted because proposed Rule 1.1 introduces "Commission" as a short reference. See also proposed Rule 2.20.

~~2.76. "Enhanced Emergency Telephone System" or "Enhanced 911 Service" -- A telephone system which through normal telephone service facilities automatically connects a person dialing 911 the primary emergency telephone number to an established public agency answering point the appropriate county answering point with automatic location identification and automatic number identification.~~

Commission Comment: Rule 2.7 is renumbered to 2.6 and changed to be consistent with the definition provided at W. Va. Code § 24-6-2.

~~2.8. "E911" — Enhanced 911.~~

~~2.9. "E911 Fees" — Wireless Enhanced 911 Fees.~~

Commission Comment: Rules 2.8 and 2.9 are deleted because SB 579 omitted these terms from W. Va. Code § 24-6-6b. The deletion of these rules requires that Rules 2.10 through 2.21 be renumbered.

2.18. "Public Safety Wireless Fee" or "Public Safety Fee" -- Means the monthly fee that a CMRS provider charges and collects from their in-state two-way service subscribers, which generates revenue designated for certain uses by the Division of Homeland Security and Emergency Management and the West Virginia State Police.

Commission Comment: Rule 2.18 defines the Public Safety Fee according to W. Va. Code § 24-6-6b(a), (d).

2.24. "WE911 Fee" or "Wireless Enhanced 911 Fee" -- means the wireless enhanced 911 fee prescribed by West Virginia Code §24-6-6b.

Commission Comment: Rule 2.24 is added to include the WE911 Fee.

2.25. "Tower Access Assistance Fund" -- Means the Fund established in accordance with the provisions of W. Va. Code §24-6-6b(b).

2.26. "Tower Access Assistance Fund revenue" -- Means all amounts appropriated by the Legislature; all amounts deposited into the Tower Access Assistance Fund; any amounts received, directly or indirectly, from any source for the use of all or any part of any wireless tower project funded by the Tower Access Assistance Fund.

2.27. "Tower Access Assistance Fund Review Committee," or "Committee" -- Means a committee established by the Commission to review and make recommendations to the Commission on applications for grants from the Tower Access Assistance Fund. The Committee shall be made up of the following: 1) a member, to be appointed by the Chairman of the Commission, of the Staff of the Public Service Commission familiar with wireless telecommunications technology; 2) the Speaker of the House of Delegates or that person's designee, as a non-voting member; 3) the Senate President or that person's designee, as a non-voting member; 4) a representative of County Commissions, to be appointed by the County Commissioners' Association of West Virginia; 5) a representative, to be appointed by the Governor, of wireless telephone providers operating in West Virginia; 6) a representative, to be appointed by the Governor, of the wireless tower construction industry; 7) the Superintendent of State Police or that person's designee; 8) the Director of the West Virginia Division of Homeland Security and Emergency Management or that person's designee; 9) a representative, appointed by the West Virginia Enhanced 911 Council, of the W. Va. Enhanced 911 Council. The committee shall meet to consider applications for financial assistance from the Tower Access Assistance Fund and to make determinations regarding such applications. Such

- ~~determinations shall be based upon the guidelines and criteria established by these Rules.~~

Commission Comment: Prior Rules 2.25 through 2.27 are relocated. *Infra* proposed Rules 2.27 through 2.29.

2.27. "Wireless Tower Access Assistance Fund," or "Fund" -- Means the Fund established in accordance with the provisions of West Virginia Code §24-6-6b.

2.28. "Wireless Tower Access Assistance Fund revenue" -- Means all amounts appropriated by the Legislature; all amounts deposited into the Tower Access Assistance Fund; any amounts received, directly or indirectly, from any source for the use of all or any part of any wireless tower project funded by the Wireless Tower Access Assistance Fund.

2.29. "Wireless Tower Access Assistance Fund Review Committee," or "Committee" -- Means a committee established by the Commission to review and make recommendations to the Commission on applications for grants from the Wireless Tower Access Assistance Fund. The Committee will be made up of the following: 1) a member, to be appointed by the Chairman of the Commission, of the Staff of the Public Service Commission familiar with wireless telecommunications technology; 2) the Speaker of the House of Delegates or that person's designee, as a non-voting member; 3) the Senate President or that person's designee, as a non-voting member; 4) a representative of County Commissions, to be appointed by the County Commissioners' Association of West Virginia; 5) a representative, to be appointed by the Governor, of wireless telephone providers operating in West Virginia; 6) a representative, to be appointed by the Governor, of the wireless tower construction industry; 7) the Superintendent of State Police or that person's designee; 8) the Director of the West Virginia Division of Homeland Security and Emergency Management or that person's designee; 9) a representative, appointed by the West Virginia Enhanced 911 Council, of the W. Va. Enhanced 911 Council. The Committee will meet to consider applications for financial assistance from the Wireless Tower Access Assistance Fund and to make determinations regarding such applications. Such determinations shall be based upon the guidelines and criteria established by these Rules.

Commission Comment: Proposed Rules 2.27 through 2.29 contain the text of prior Rules 2.25 through 2.27, except that "wireless" now appears before "tower" in each rule, to be consistent with the language of subsections (a), (b) and (e) of W. Va. Code § 24-6-6b.

2.30. "Wireless Tower Access Fee" -- Means the monthly fee that a CMRS provider charges and collects from their in-state two-way service subscribers, which generates revenue designated to fund the construction of wireless towers.

Commission Comment: Rule 2.30 is added to define the Wireless Tower Access Fee as discussed in subsections (a) and (e) of W. Va. Code § 24-6-6b.

§150-25-3. Local Emergency Telephone Systems.

3.3. Reporting requirements of the telephone utility. The telephone utility, before establishing any wire center, replacing any wire center or making major modifications to any wire center, will furnish the Commission with plans showing that it has complied with the requirements of these Rules. "Major Modifications" is hereby defined to be a central office modification affecting level assignments, thousands levels or trunking

~~—The telephone utility before establishing any wire center, replacing any wire center or making major modifications to any wire center, shall furnish the Commission plans showing that it has complied with the requirements of these rules. "Major Modifications" is hereby defined to be a central office modification affecting level assignments, thousands levels or trunking.~~

Commission Comment: Rule 3.3 is reformatted to comply with Rule 5.22 of the Electronic Filing and Formatting of Rules, 153 C.S.R. Series 1 (eff. Nov. 11, 2017), which requires "a decimal and alphanumeric outline format" be used with all indented text or paragraphs appearing in rules filed with the Secretary of State's Office for publication in the State Register.

§150-25-4. Billing and Collection of ~~E911 Fees~~WE911 Fee, Public Safety Fee and Wireless Tower Fee.

Commission Comment: The title of Rule 4 is amended to include each of the fees created by W. Va. Code § 24-6-6b.

4.1. Post-paid service -- On a monthly basis, Each CMRS post-paid provider will shall, with each bill rendered, levy charge and collect an WE911 fFee, a Public Safety Fee, and a Wireless Tower Fee at the current statutory rate, on each valid retail CMRS subscription. The applicable E911-fees shall will be listed as separate line items on the billing statement provided to each valid post-paid retail CMRS subscription by CMRS providers.

4.1.1. The WE911 Fee, equal to the amount established by West Virginia Code §24-6-6b(b), or the amount as may be subsequently respecified in accordance with the statute, should be listed as a separate line item on the monthly billing statement provided to each valid in-state CMRS subscriber and collected by CMRS providers.

4.1.2. The Public Safety Fee, equal to the amount of twenty-nine cents (\$0.29) per month, or the amount as may be subsequently modified by force of law, should be listed as a separate line item on the billing statement provided to each valid in-state CMRS subscriber and collected by CMRS providers.

4.1.3. The Wireless Tower Fee, equal to the amount of eight cents (\$0.08) per month, or the amount as may be subsequently modified by force of law, should be listed as a separate line item on the billing statement provided to each valid in-state CMRS subscriber and collected by CMRS providers.

4.2. Pre-paid service -- Beginning July 1, 2008, prepaid wireless calling service is subject to the general consumer sales and service tax, in lieu of the wireless-enhanced WE911 Fee, the Public Safety Fee and the Wireless Tower Fee.

Commission Comment: Rule 4.1 is amended and subsections were added to be consistent with W. Va. Code § 24-6-6b(a), which requires CMRS providers to separately list each fee type and respective fee amount on billing statements. See G. O. No. 187.55 (Jun. 5, 2020).

§150-25-5. Remission of E911 Fees, WE911 Fee, Public Safety Fee and Wireless Tower Fee Revenues to Commission.

Commission Comment: The title of Rule 5 is revised to be consistent with W. Va. Code § 24-6-6b(d) and (e).

5.1. Post-paid service -- By no later than the seventeenth (17th) day of each month, or the first business day thereafter, each CMRS provider shall will, after retaining a billing fee equal to three percent (3%) of the total sum collected for the WE911 Fee, the Public Safety Fee, and the Wireless Tower Fee during the preceding month or billing period, remit to the Commission a check, or appropriate financial equivalent, for the net balance E911 of the fees revenues collected, after retaining three percent (3%) for the billing or collection of the E911 fee, during the preceding month or billing period. If remitted by mail, the postmark shall will be used

as proof of compliance. If remitted electronically, the date specified by the software used shall will be used as proof of compliance. The fees revenues shall will be remitted to:

By mail:

Public Service Commission of West Virginia
Administrative Services Division
P.O. Box 812
Charleston, West Virginia 25323

Electronically:

executive_director_e911CMRS@psc.state.wv.us

Commission Comment: Rule 5.1 retains language from the prior Rule, but is reorganized to be consistent with text of W. Va. Code § 24-6-6b(a).

5.1.1. Form to be used with fee revenue remittals. CMRS providers shall will use P.S.C. W. VA. Form No. WLF-1, or a reasonable functional equivalent, when remitting ~~E911 fees~~ the WE911 Fee, the Public Safety Fee and the Wireless Tower Fee revenues to the Commission. Form No. WLF-1 requires CMRS providers to separately list (1) the total number of subscriber fees collected and the amount of revenue collected for each fee, (2) the sum of all revenue collected, (3) the three percent (3%) administrative billing fee amount withheld from the sum total revenue, and (4) the total net amount of fee revenue remitted to the Commission. All information requested by Form No. WLF-1 shall will be provided. This may be done electronically, at the discretion of the CMRS provider.

Commission Comment: Rule 5.1.1 is amended to identify the three fees established by W. Va. Code § 24-6-6b and require CMRS providers to provide specific information along with the fee revenue remitted to the Commission, in order to maintain each fee revenue separately.

5.1.2. Each CMRS provider shall will remit to the Commission such E911 fees the net funds actually collected by the CMRS provider. Such E911 fees The remitted funds shall will include any previously unpaid ~~E911 Fees, WE911 Fees, Public Safety Fees, and Wireless Tower Fees~~ collected by the CMRS provider during the preceding monthly billing period.

Commission Comment: Rule 5.1.2 is changed to identify each of the fees created by W. Va. Code § 24-6-6b.

~~5.1.3. The first 3.00, or the monthly wireless E911 fee amount as such may subsequently be modified by force of law, collected on each valid retail CMRS subscription, or such E911 fee as may be respecified by the Commission in accordance with these rules, shall be attributed to payment of the applicable monthly E911 fee.~~

Commission Comment: Rule 5.1.3 is deleted because the substance of the rule now appears at Rule 4.1.1.

~~5.2. Pre-paid service — Within thirty days following the end of each calendar month, the Tax Commissioner shall remit to the Commission the proceeds of the general consumer sales and service tax collected from prepaid wireless calling service in the preceding month.~~

~~5.2.1. For purposes of determining the amount of those monthly proceeds, the Tax Commissioner shall use an amount equal to 1/12th of the wireless-enhanced 911 fees collected from prepaid wireless calling service under W. Va. Code § 24-6-6b during the period beginning on July 1, 2007, and ending on June 30, 2008.~~

~~5.2.2. Beginning on July 1, 2009, the Tax Commissioner shall adjust this amount annually by an amount proportionate to the increase or decrease in the enhanced wireless 911 fees paid to the Commission under W. Va. Code § 24-6-6b during the previous 12 months.~~

Commission Comment: Rule 5.2 is deleted because the section and subsections pertain to the duties of the Tax Commissioner under W. Va. Code § 11-15-1 et seq., which are outside of the Commission's jurisdiction.

§150-25-6. Calculation of Fee Revenue Disbursement of E911 Fees.

Commission Comment: The title of Rule 6 is revised to delete "E911 Fees," to indicate that the Rule applies to the Public Safety Fee, Wireless Tower Fee and WE911 Fee, in accordance with W. Va. Code § 24-6-6b.

6.1. The Commission's Administrative Services Division ~~shall~~ will, using the methodology and data required by W. Va. Code §24-6-6b, calculate the E911 fee disbursement ratios for the revenue generated by the WE911 Fee, Public Safety Fee and Wireless Tower Fee, as provided herein below.

Commission Comment: Rule 6.1 is revised to identify each of the fees separately, consistent with W. Va. Code § 24-6-6b.

6.1.1. ~~Five percent~~ Nineteen cents (\$0.19) of the wireless enhanced 911 ~~twenty-nine cent (\$0.29) Public Safety Fee money collected per subscriber and received by the Public Service Commission each month shall~~ will be deposited designated in the fund established by for the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrades of the West Virginia Interoperable Radio Project and any other costs associated with establishing and maintaining the infrastructure of the system.

Commission Comment: Rule 6.1.1 is amended to be consistent with the text of W. Va. Code § 24-6-6b(d). The language at the end of prior Rule 6.1.1 is relocated. *Infra* proposed Rule 8.2.1.

6.1.2. Each month, ~~one twelfth of one million dollars eight cents (\$0.08), or the total amount of the Wireless Tower Fee, collected per subscriber and received by the Commission shall~~ will be deposited in a fund entitled "Enhanced 911-Wireless Tower Access Assistance Fund."

Commission Comment: Rule 6.1.2 is revised to be consistent with the text of W. Va. Code § 24-6-6b(e).

6.1.3. Each month, ten cents (\$0.10) of the remaining twenty-nine cent (\$0.29) Public Safety Fee collected per subscriber and received by the Commission will be designated for the West Virginia State Police ~~shall be provided an amount equal to ten cents from each fee payment received in the previous month.~~

Commission Comment: Rule 6.1.3 is amended to be consistent with the text of W. Va. Code § 24-6-6b(e).

6.1.4. Disbursement ratios for the WE911 Fee revenue used pursuant to 6.5 6.4 herein shall will be recalculated by the Commission's Administrative Services Division within thirty calendar days of the availability of updated decennial county population census data. Such recalculated disbursement ratios shall will be effective on July 1 immediately following such recalculation.

Commission Comment: Rule 6.1.4 is changed to identify the fee it pertains to and update the cross reference.

6.2. ~~Counties which enact an E911 ordinance after July 11, 1997, or which enacted an E911 ordinance on or after July 11, 1992 but before July 11, 1997, shall receive one percent (1%) of the remainder of the monthly~~

- ~~E911 fee revenues for a period of five (5) years following the adoption of the ordinance. After the fifth anniversary of the date of adoption of the ordinance, each such county~~ Counties with an Enhanced Emergency Telephone System ordinance enacted shall will receive only that county's portion of the monthly WE911 fee revenues being disbursed on a pro rata basis, as set forth in Rules 6.3., 6.4 and 6.5 herein.

Commission Comment: Rule 6.2 is amended to remove outdated text because the Enhanced Emergency Telephone System plans on file at the Commission indicate that each county in West Virginia has enacted an enhanced 911 ordinance pursuant to W. Va. Code § 24-6-6 and is currently providing Enhanced 911 Service in their area.

6.3. ~~On and after July 1, 2005, w~~When two or more counties organize pursuant to law into one county in order to provide government services and upon written notice to the Commission verifying such consolidation, the consolidated county shall will receive one percent (1) of the monthly net WE911 Fee fee revenues received by the ~~Public Service~~ Commission for itself and for each county merged into the consolidated county, in addition to other amounts permitted by this ~~Rule~~.

Commission Comment: Rule 6.3 is changed to delete unnecessary text and clarify that the rule pertains only to WE911 Fee revenue, as stated in W. Va. Code § 24-6-6b(c).

6.4. Each county shall will receive eight and one-half tenths of one percent (0.0085) of the remainder of the monthly ~~E911 fee~~ WE911 Fee revenues received by the Commission.

Commission Comment: Rule 6.4 changes "E911 fee" to "WE911 Fee" to clarify that the Rule pertains only to Wireless Enhanced 911 Fee.

6.5. From any WE911 Fee moneys remaining, each county shall will receive a pro rata portion, based on that county's percentage of the state's total population, as determined in the most recent decennial census.

Commission Comment: Rule 6.5 is amended to clarify that the Rule pertains only to WE911 Fee revenue.

~~6.6. Each county shall receive its share of the wireless E911 fee revenue for use in the same manner as the E911 fee revenues received by the county pursuant to its E911 ordinances.~~

Commission Comment: Rule 6.6 is deleted because it is unnecessary.

§150-25-7. Accounting for E911 Fee Revenues Accounting.

~~The Commission shall cause to be established an account for all monthly E911 fee revenues remitted to the Commission. Said account shall serve as a repository for such fee revenues until, in accordance with the quarterly disbursement schedule set forth in 8.2 herein, such revenues are disbursed to each county.~~

7.1. The Commission will establish and maintain separate accounts for the WE911 Fee, the Public Safety Fee and the Wireless Tower Fee revenues remitted to the Commission.

7.2. Said accounts will serve as repositories for such fee revenues until, in accordance with the quarterly disbursement schedule set forth below in section 8, such revenues are disbursed to each county.

Commission Comment: The title of Rule 7 is amended to delete "E911" because the rule provision pertains to all three fees established by W. Va. Code § 24-6-6b. The substantive text of Rule 7 is reorganized into sections (1) and (2) pursuant to Rule 5.22 of the Electronic Filing and Formatting of Rules and is revised consistent with W. Va. Code § 24-6-6b.

§150-25-8. Disbursement of Monthly E911 Fee Revenues.

~~8.1. Disbursement of monthly E911 fee WE911 Fee revenues. On a quarterly basis, the Commission shall will be made, by check or appropriate financial equivalent, distribute the WE911 Fee revenues to each county by the Commission by the 10th day of the month in accordance with the schedule set forth in 8.2 herein below.~~

~~8.2. Monthly E911 fee revenues shall be disbursed, either directly, by check or appropriate financial equivalent, to counties as follows:~~

~~8.2.18.1.1.~~ In the months of January, April, July and October, payments ~~shall~~ will be issued to the following counties: Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson and Jefferson.

~~8.2.28.1.2.~~ In the months of February, May, August and November, payments ~~shall~~ will be issued to the following counties: Kanawha, Lewis,

Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton and Pleasants.

8.2.38.1.3. In the months of March, June, September, and December, payments ~~shall~~ will be issued to the following counties: Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming.

Commission Comment: The proposed title is revised to indicate that the rule provision pertains to each fee established by W. Va. Code § 24-6-6b. Rule 8.1 is revised to indicate that it applies only to revenue generate by the WE911 Fee. Rule 8.2 is deleted because the substance of the Rule appears in proposed Rule 8.1. As a result, prior Rule 8.2 subsections (1) through (3) are renumbered as subsections of proposed Rule 8.1.

8.3.8.1.4. The fee ~~WE911 Fee~~ revenues disbursed in any given month ~~shall~~ will be those billed during the three-month period which ended three months prior to the disbursal month. For example, the monthly ~~E911 fee~~ WE911 Fee revenues filed with the Commission by CMRS providers during April, May and June ~~shall~~ will be disbursed in October.

Commission Comment: Rule 8.3 is renumbered as subsection (4) of Rule 8.1 and clarified to pertain only to the WE911 Fee, per W. Va. Code § 24-6-6b(c).

8.2. Disbursement of Public Safety Fee revenues. On a monthly basis, the Commission will disburse the Public Safety Fee revenues received as set forth below:

8.2.1. The Commission will disburse nineteen cents (\$0.19) of the Public Safety Fee received per each subscriber to the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance, and upgrades of the West Virginia Interoperable Radio Project and any other costs associated with establishing and maintaining the infrastructure of the system.

8.2.2. The Commission will distribute the remaining ten cents (\$0.10) of the Public Safety Fee received per each subscriber to the West Virginia State Police to be used for equipment upgrades for improving and integrating their communication efforts with the Enhanced Emergency Telephone System.

Commission Comment: Rule 8.2 and its subsections are added to govern the distribution allocation of the Public Safety Fee revenues consistent with W. Va. Code § 24-6-6b(d).

8.3. Disbursement of Wireless Tower Fee revenues. The Commission will deposit the Wireless Tower Fee revenue received per each subscriber into the Wireless Tower Access Assistance Fund, to assist with subsidizing the acquisition, equipping and construction of wireless towers, which would not be available otherwise due to marginal financial viability of the applicable coverage area.

Commission Comment: Rule 8.3 is added to describe Commission processing of Wireless Tower Fund revenues and to provide the authorized use of such revenues pursuant to W. Va. Code § 24-6-6b(e).

§150-25-10. Submission of Local Exchange Information.

10.1. Each local exchange carrier certificated by the Commission shall will, by no later than April 7 of each year, submit to the Telecommunications Section of the Commission's Utilities Division line counts and ~~E911 fees~~ WE911 Fee data, by county, as of March 1 of that year.

Commission Comment: Rule 10.1 is amended to clarify that the rule provision applies only to the WE911 Fee.

§150-25-11. Respecification of ~~E911 Fees~~ the WE911 Fee.

Commission Comment: The title of Rule 11, as well as, sections (1) through (5) are revised to replace the reference to "E911 Fees" with "WE911 Fee," to be consistent with W. Va. Code § 24-6-6b.

11.1. The ~~E911 fee~~ WE911 Fee shall will be respecified biennially, in odd numbered years, using the respecification methodology and data required by W. Va. Code §24-6-6b(d)(1)24-6-6b(b). The respecified ~~E911 fee~~ WE911 Fee shall will become effective on July 1 of the respecification year.

Commission Comment: Rule 11.1 is amended to pertain only to the WE911 Fee and correct the reference to the applicable statutory provision.

§150-25-12. Uncollectibles.

12.1. CMRS post-paid providers shall will make reasonable and diligent efforts to collect unpaid ~~E911 fees~~ WE911 Fees, Public Safety Fees and

Wireless Tower Fees from each valid retail post-paid CMRS subscription. Notwithstanding the foregoing, a CMRS provider shall will not be deemed to be a collection agent or otherwise held liable for a such ~~subscriptions~~ subscriber's failure to pay ~~E911~~ fees properly billed by the CMRS provider.

Commission Comment: Rule 12.1 is reformatted to comply with Rule 5.22 of the Electronic Filing and Formatting of Rules and replaces "E911 fee" with each the fees established by W. Va. Code § 24-6-6b.

§150-25-13. Wireless Tower Access Assistance Fund.

Commission Comment: Throughout the sections of Rule 13 the word "wireless" is added before the word "tower," when appropriate, to be consistent with the text of W. Va. Code § 24-6-6b(e).

~~13.1.2. Application Filing. A project sponsor may file an application with the Commission's Executive Secretary at any time during Commission business hours. To be considered for funding from money accruing from the period January 1 through December 31 of the funding year, the project sponsor must file its application on or before November 15 of the funding year, provided that the initial funding year shall be the period from July 8, 2005 through December 31, 2005 and for funding from that funding year, the project sponsor must file its application on or before June 15, 2006.~~

13.1.2. Application Filing. To be considered for funding from money accruing from the period January 1 through December 31 of the funding year, the project sponsor must file its application on or before November 15 of the funding year with the Commission's Executive Secretary.

Commission Comment: Rule 13.1.2 retains some language from the prior Rule 13.1.2, but unnecessary verbiage is removed.

~~13.1.3. Application Review. On or before July 31, 2006, the Tower Access Assistance Fund Review~~ The Committee will review all applications filed on or before June 15, 2006 the November 15 filing deadline, and shall ~~make a determination regarding each application.~~ The Tower Access Assistance Fund Review Committee shall will make a determination regarding each application and either recommend the approval of, in whole or in part, or the denial of funding for the project or request additional information if necessary to make a determination. The ~~Tower Access Assistance Fund Committee shall~~ will rank all of these the applications for which it recommends approval in order of funding preference. A copy of the determination by the Committee shall will be sent to the Commission's

Executive sSecretary and to the applicant. For applications made after June 15, 2006, the Tower Access Assistance Fund Review The Committee will review the applications and make recommendations to the Commission, as described above, during the period following the November 15, 2006 filing deadline and before December 31, 2006. This same procedure shall will repeat with each calendar year, provided that, upon a positive vote of at least six of its members, the Tower Access Assistance Fund Review Committee, for good cause shown, may treat an application in an expedited manner to be determined by the members. In all such instances of expedited treatment, the Commission shall will have fourteen (14) days, from receipt of the Tower Access Assistance Fund Review Committee's expedited recommendation, in which to make its decision regarding such expedited recommendation.

Commission Comment: Rule 13.1.3 is revised to omit outdated and unnecessary text to clarify the Rule.

13.1.3.b. If funding for a project is denied for any reason, the Committee shall will provide written notice of such to the applicant with a copy to the Commission's Executive Secretary.

Commission Comment: Rule 13.1.3.b consists of the language of prior Rule 13.1.4.a. which is relocated to better organize the text of Rule 13.

~~13.1.4. Issuance of funds by the Commission. Within fourteen (14) days of the receipt of the determination of the Tower Access Assistance Fund Review Committee, the Commission shall, in the instance of a determination to fund a particular project, decide to either accept or reject such determination. Upon the Commission's acceptance to fund a particular project, the Administrative Services Division shall mail a copy of the funding contract to the applicant and schedule a closing on the grant to be held within thirty (30) days. The Commission shall continue its decision-making process through the ranked list until the available funding for the fiscal year is exhausted.~~

13.1.4. Committee Determination. Prior to making any grant, the Committee shall determine that the grant funding and the manner in which it will be provided are necessary or appropriate to accomplish the purposes and intent of W. Va. Code §24-6-6b(e). The Committee will give priority to projects, including projects involving public/private partnerships, where the project will provide significant benefits to public safety communications, including law enforcement, ambulance, rescue and fire fighting communication devices, as well as to commercial mobile radio services,

cellular phone services, specialized mobile radio communications services, common carrier wireless exchange phone services, personal communications services, wireless broadband Internet access, Department of Highways communication devices and/or pager services.

Commission Comment: To better organize the text of Rule 13, prior Rules 13.1.4 and 13.1.5 are exchanged to become proposed Rules 13.1.4 and 13.1.5.

~~13.1.4.a. Denial. If funding for a project is denied for any reason, the Committee shall will provide written notice of such to the applicant with a copy to the Commission's Executive Secretary.~~

Commission Comment: Rule 13.1.4.a is relocated to proposed Rule 13.1.3.b.

~~13.1.5. Committee Determination. Prior to making any grant, the Committee shall determine that the grant and the manner in which it will be provided are necessary or appropriate to accomplish the purposes and intent of W. Va. Code §24-6-6b(b). Priority shall be given to projects, including public/private partnerships, where the project will provide significant benefits to public safety (including law enforcement, ambulance, rescue and fire fighting) communications as well as to commercial mobile radio services (CMRS), cellular phone services, specialized mobile radio (SMR) communications services, common carrier wireless exchange phone services, personal communications services (PCS), wireless broadband Internet access, Department of Highways communications and/or pager services.~~

13.1.5. Issuance of funds by the Commission. Within fourteen (14) days of the receipt of the determination of the Wireless Tower Access Assistance Fund Review Committee, the Commission shall will, in the instance of a determination to fund a particular project, decide to either accept or reject such determination. Upon the Commission's acceptance to fund a particular project, the Administrative Services Division will mail a copy of the funding contract to the applicant and schedule a closing on the grant to be held within thirty (30) days. The Commission will continue its decision-making process through the ranked list until the available funding for the fiscal year is exhausted.

Commission Comment: The text of prior Rules 13.1.4 and 13.1.5 are exchanged to become proposed Rules 13.1.4 and 13.1.5.

13.1.6. Eligible Grant Recipients. The Committee ~~shall~~ will not recommend grants for any ~~wireless tower~~ project that is not applied for by a county commission as project sponsor on behalf of itself and/or another person.

Commission Comment: Rule 13.1.6 is changed to clarify that to be an eligible wireless tower grant recipient, the project sponsor(s) must include a county commission, as the term is defined at Rule 2.16 and as is stated in W. Va. Code § 24-6-6b(e).

13.3. Wireless Tower Access Assistance Fund Administration.

13.3.1. Administration of the Wireless Tower Access Assistance Fund. The Commission's Administrative Services Division ~~shall~~ will be responsible for administration of the account containing Wireless Tower Access Assistance Fund money. ~~That division shall receive and deposit Enhanced 911 Fee revenues intended for the Tower Access Assistance Fund and shall be responsible for all Tower Access Assistance Fund grant transactions. The Administrative Services Division will receive and deposit Wireless Tower Fee revenues intended for the Fund and will be responsible for all Fund grant transactions.~~

Commission Comment: Rule 13.3.1 is revised to rewrite the second sentence to be consistent with the language of W. Va. Code § 24-6-6b(e).

~~13.3.4. Terms of Grant. Where a project sponsor has received Tower Assistance grant money to fund a project, and the project is thereafter sold, then to the extent that proceeds are available, the grant contract developed by the Committee shall require the project sponsor to reimburse the Tower Access Assistance Fund the amount of the Tower Assistance grant. The contract shall require that the amount of repayment shall be reduced by the applicable share of accumulated depreciation of the project.~~

13.3.4. Reporting Requirements of Grant. West Virginia Code §24-4-14 and the State Auditor's Accountability Requirements for State Funds and Grants, 150 C.S.R. Series 9, establishes reporting requirements for the Commission as the grantor of wireless tower grant funds and the project sponsor(s) who is/are awarded grant monies from the Wireless Tower Access Assistance Fund.

Commission Comment: Rule 13.3.4 is rewritten to provide the legal reporting requirements for the grantor and grantee of funding from the Wireless Tower

Access Assistance Fund. The substance of prior Rule 13.3.4 is relocated. *Infra* proposed Rule 13.3.5.f.

~~13.3.4.a. The funding contract may contain provisions such that if the project is sold, the Commission shall be notified and the applicant and/or purchaser shall be required to repay the grant funds.~~

13.3.4.a. Project Sponsor Grantee(s) Reporting. Within two years of the end of the grantee's fiscal year in which the disbursement of state grant funds by the Commission is made, a grantee of \$50,000 or more of Wireless Tower Access Assistance Fund, in a state's fiscal year, will file with the Commission and the State Auditor a report of the disbursement of the grant funds; and, a grantee of less than \$50,000, in a state's fiscal year, will file with the Commission and the State Auditor a sworn statement detailing the expenditures of the grant funds.

Commission Comment: Rule 13.3.4.a is rewritten to describe the reporting requirements for grantees who receive funding from the Fund. The substance of the prior Rule 13.3.4.a is relocated. *Infra* proposed Rule 13.3.5(e) and (f).

~~13.3.4.b. The Committee shall prepare a report for the Commission on an annual basis listing those projects which received grant money and are sold. The report shall include a description of the terms by which the grant will be repaid.~~

13.3.4.b. Grantor Reporting. The Director of the Commission's Administration Division is named Chief Accountability Officer and responsible to facilitate compliance with W. Va. Code §24-4-14 and the State Auditor's Accountability Requirements for State Funds and Grants, 150 C.S.R. Series 9, with respect to the Commission's requirement to report on Wireless Tower Access Assistance Fund funding, including reporting any grantee(s) failing to file a report or sworn statement in accordance with the law.

Commission Comment: Rule 13.3.4.b is rewritten to address the reporting requirements for the Commission as the grantor of the Fund. The substance of prior Rule 13.3.4.b is relocated. *Infra* Rule 13.3.4.c.

13.3.4.c. Wireless Tower Access Assistance Fund Review Committee Reporting. The Committee will prepare a report for the Commission on an annual basis listing the projects which received grant money and are sold after receipt of grant funds, including a description of the terms by which the project sponsor(s) will repay grant monies upon the sale of a grant funded wireless tower.

Commission Comment: Rule 13.3.4.c is added and consists of language from the prior Rule 13.3.4.b.

13.3.5. Terms and conditions for Receiving Financial Assistance from the Fund. Each grant awarded by the Commission shall will be evidenced by a grant agreement contract between the Commission as the grantor and the project sponsor(s) as the grantee ~~to which the grant shall be awarded;~~ the contract shall will include, in addition to those provisions described elsewhere in this Rule, and without limitation and to the extent applicable, the following provisions:

Commission Comment: Rule 13.3.5 is amended to clarify the text of the rule.

13.3.5.e. The project sponsor(s) will provide the Commission with thirty (30) days advance notice of its intent to sell the tower that is the subject of the project, by filing written notice with the Executive Secretary of the Commission, which must include the Tower Assistance Fund (-TAF) docket number for the specific grant that funded the tower.

Commission Comment: The subsection (e) is added and consists of language from prior Rule 13.3.4.

13.3.5.f. Upon sale by the project sponsor(s) of the tower that is the subject of the project, to the extent that proceeds are available, the project sponsor(s) will reimburse the Wireless Tower Access Assistance Fund the amount of the grant funding, reduced by the applicable share of accumulated depreciation of the project.

Commission Comment: The subsection (f) is added to relocate language from prior Rule 13.3.4.a.

13.3.5.g. The grant agreement contract will be governed by the laws of the State of West Virginia.

Commission Comment: The subsection (g) is added to provide the authority which governs grant agreements.

13.4. Filing and Docketing of Applications.

13.4.1. Applications procedures. The project sponsor shall will file an original and one copy of the application with the Commission's Executive Secretary. That office shall will record the filing in the Commission's docket

using an appropriate designation methodology consisting of a Tower Assistance Fund (-TAF) case designation. ~~The filing shall be distributed to the members of the Wireless Tower Access Assistance Fund Review Committee by the chairman of the Committee. The chairman of the Wireless Tower Access Assistance Fund Review Committee will distribute the application filing to the other members of the Committee. The project sponsor will send any Additional additional documents, correspondence, etc., associated with the filing shall be sent directly by the project sponsor to each of the members of the Tower Access Assistance Fund Review Committee and shall will file one copy with the Commission's Executive Secretary. The Applicant project sponsor shall will, upon request of the chairman of the Tower Access Assistance Fund Review Committee, make electronic copies, in a format specified by that person, of all application documents available, including documents comprising the original application and documents filed subsequently.~~

Commission Comment: Rule 13.4.1 is revised to include the tower access fund (-TAF) case designation assigned to wireless tower application filings. All other changes are to style and are not substantive.

PSC WV Form No. WLF-1

Commission Comment: The form is amended to be consistent with the text of W. Va. Code §24-6-6b.

Request for Public Comments

The Commission invites interested parties to file initial comments on the proposed amendments to the Emergency Telephone Rules on or before 4:00 p.m., May 8, 2023, and may file reply comments on or before 4:00 p.m., June 7, 2023.

Requirement for Notice by Publication

The Commission will direct its Executive Secretary to provide notice of the proposed rule changes by publishing the notice, attached as Attachment B, once in a newspaper of statewide circulation.

FINDING OF FACT

The passage of SB 579 necessitated changes to the Emergency Telephone Rules.

CONCLUSION OF LAW

The Commission should promulgate proposed amended Emergency Telephone Rules, establish a time frame for written comments and provide notice by publication.

ORDER

IT IS THEREFORE ORDERED that the amended Rules Governing Emergency Telephone Service 150 C.S.R. Series 25, attached as Attachment A, are promulgated as proposed rules for comment.

IT IS FURTHER ORDERED that the Commission Executive Secretary file a copy of the text of the proposed Rules Governing Emergency Telephone Service and the required forms with the West Virginia Secretary of State's office.

IT IS FURTHER ORDERED that the following schedule is adopted to receive written comments in this matter concerning the attached proposed rules:

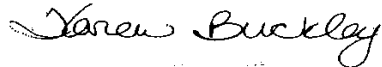
Initial Comments	due on or before 4:00 p.m., May 10, 2023, and;
Reply Comments	due on or before 4:00 p.m., June 9, 2023.

IT IS FURTHER ORDERED that public comments filed in this matter should contain the case number, General Order Number 187.62, and be submitted to Karen Buckley, Executive Secretary, Public Service Commission of West Virginia, P.O. Box 812, Charleston, West Virginia, 25323.

IT IS FURTHER ORDERED that the Commission Executive Secretary serve a copy of this Order on each County Commission, local exchange carrier and providers of commercial mobile radio service in the State by electronic service, or by United States First Class Mail, and on Staff by hand delivery.

IT IS FURTHER ORDERED that the Commission Executive Secretary should cause a copy of the notice, attached as Attachment B, to be published once in a newspaper of statewide circulation, and thereafter file proof of publication in this proceeding.

A True Copy, Teste,

A handwritten signature in cursive script that reads "Karen Buckley".

Karen Buckley, Executive Secretary

NNT/pkb
GO187.62c.sca

Attachment A

150CSR25

TITLE 150
EXEMPT LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 25
RULES GOVERNING
EMERGENCY AND WIRELESS TELEPHONE SERVICE

§150-25-1. General.

1.1. Scope -- These ~~Rules~~ govern the billing, collection, and remission of the ~~Wireless Enhanced 911 monthly Fees, the Public Safety Fee and the Wireless Tower Fee, on a monthly basis,~~ by certain telecommunications carriers subject to the jurisdiction of the Public Service Commission of West Virginia (~~Commission~~) pursuant to W. Va. Code §24-2-1 and the disbursement of such fee revenues ~~in accordance with W. Va. Code §24-6-6b~~ to the West Virginia State Police, Division of Homeland Security and Emergency Management, ~~Wireless Tower Access Assistance Fund,~~ and counties in West Virginia. Additionally, these ~~Rules~~ establish guidelines to be used by the ~~Public Service~~ Commission in evaluating any request by a project sponsor for funding assistance for the acquisition, equipping and construction of new wireless towers, which would provide enhanced 911 service coverage, and which would not be available otherwise due to the marginal financial viability of the applicable tower coverage area.

1.2. Authority. -- W. Va. Code §§24-1-1, 24-1-7, 24-2-1, 24-2-2, 24-6-6b, and 24-6-11.

1.3. Filing Date. -- ~~November 1, 2018.~~

1.4. Effective Date. -- ~~December 3, 2018.~~

§150-25-2. Definitions.

2.1. For purposes of this ~~Rule~~, the Commission adopts the definitions of "commercial mobile radio service provider or CMRS provider," "county answering point," "emergency services organization," "emergency service provider," "emergency telephone system," "enhanced emergency telephone system," "public agency," "public safety unit," "telephone company," "comprehensive plan," "technical and operational standards," set forth in W. Va. Code §24-6-2. Regarding prepaid cellular service, the Commission adopts the definitions of "prepaid wireless calling service" in W. Va. Code §11-15-2 and "sale" in W. Va. Code §11-15-2. In addition, unless otherwise specified in this ~~Rule~~, the Commission adopts the definitions set forth in section 1.7 of the Commission's *Rules for the Government of Telephone Utilities*, C.S.R. § 150-6-1.7.

~~2.2. "Commission" -- The Public Service Commission of West Virginia.~~

2.32. "Cost" -- Means, as applied to any project to be financed in whole or in part with funds provided from the Tower Access Assistance Fund, the cost of acquisition, equipping, and/or construction of the proposed wireless tower; the cost of preliminary design and analysis, surveys, borings; the cost of environmental, financial, market and engineering feasibility studies, assessments, applications, approvals, submissions or clearances; the cost of preparation of plans and specifications and other engineering services; the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights and any other interests required for the acquisition, equipping, and/or construction of the wireless tower; the cost of demolishing or removing any buildings or structures on acquired land, including the cost of acquiring any lands to which buildings or structures may be moved; the cost of excavation, grading, shaping or treatment of earth; the cost of constructing any tower, guy lines, warning lights, antennae, feed lines, radio equipment, power lines, generators, security fencing, gates or other facilities necessary for

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the operation and protection of the tower; the cost of all apparatus, other machinery, and equipment necessary for the operation of the tower; loan or origination fees and all finance charges and interest incurred prior to and during the construction and for no more than six months after completion of construction; the cost of insurance related to equipping and construction; the cost of legal services and expenses; the cost of all plans, specifications, surveys and estimates of cost; all working capital and other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing any wireless tower; the cost of placing any project in operation; and all other costs of any kind or nature incurred or to be incurred by the project sponsor that are reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project: Provided, That costs ~~shall~~ will not include any amounts related to the ongoing operations of the owner or operator, depreciation thereof or any other cost which the Commission has not determined to be consistent with the purposes and objectives of the legislation establishing the Wireless Tower Access Assistance Fund.

2.4.3. "County" -- One of the counties provided for in W. Va. Code §1-1-1.

2.54. "Emergency Number" -- Any telephone number, including 9-1-1, and any 7-digit or 10-digit number which could access a 9-1-1 line or trunk, which is primarily used for the purpose of reporting emergencies such as fires, the need for law enforcement, rescue and/or medical assistance, actual or imminent disasters, etc.

2.65. "Emergency Services Organization" -- The organization established under W. Va. Code §15-5-1 et seq.

2.76. "Enhanced Emergency Telephone System" or "Enhanced 911 Service" -- A telephone system which ~~through normal telephone service facilities~~ automatically connects a person dialing 911 ~~the primary emergency telephone number to an established public agency answering point~~ the appropriate county answering point with automatic location identification and automatic number identification.

2.8. "~~E911~~" ~~Enhanced 911.~~

2.9. "~~E911 Fees~~" ~~Wireless Enhanced 911 Fees.~~

2.107. "FCC" -- The Federal Communications Commission.

2.118. "In-state two-way service subscriber" -- A person or entity with a valid retail CMRS subscription.

2.129. "Local Exchange Carrier" or "LEC" -- A person or entity granted a certificate of public convenience and necessity to provide local exchange services within a defined service area of the State. Incumbent LECs ~~shall~~ will be those LECs holding certificates of public convenience and necessity prior to January 1, 1995.

2.1310. "NANC" -- The North American Numbering Council.

2.1411. "NANP" -- The North American Numbering Plan.

2.1512. "Need of the project sponsor" -- Means there is a public need for a project. The Wireless Tower Access Assistance Fund Review Committee may construe a lack of wireless telephone service, in that part of a county in which a project is proposed, as a factor supporting the conclusion that a need exists for a project in that county.

2.1613. "Person" -- Means any individual, entity, or any corporation, partnership, association, limited

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liability company or any other form of business organization or agency entitled to sue or be sued under applicable state law.

~~2.17~~14. "Political subdivision of the state" -- Means any county commission, municipality or county board of education; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; any instrumentality supported in most part by municipalities; any public body charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns; a combined city-county health department created pursuant to W. Va. Code §16-2-1 et. seq.; public service district; and other instrumentalities including, but not limited to, volunteer fire departments and emergency service organizations as recognized by an appropriate public body and authorized by law to perform a governmental function.

~~2.18~~15. "Project" -- Means an undertaking involving a wireless tower to be acquired, constructed, equipped and/or operated by a state agency, political subdivision or wireless telephone carrier or any combination of such entities.

~~2.19~~16. "Project sponsor" -- Means any county commission which intends to acquire, construct, equip, or otherwise develop a wireless tower.

~~2.20~~17. "Public Agency" -- Means the State, and any municipality, county, public district, or public authority which provides or has the authority to provide fire-fighting, police, ambulance, medical, rescue or other emergency services.

2.18. "Public Safety Wireless Fee" or "Public Safety Fee" -- Means the monthly fee that a CMRS provider charges and collects from their in-state two-way service subscribers, which generates revenue designated for certain uses by the Division of Homeland Security and Emergency Management and the West Virginia State Police.

~~2.21~~2.19. "Public Safety Unit" -- Means a functional division of a public agency which provides fire-fighting, police, medical, rescue or other emergency services.

~~2.22~~2.20. "Public Service Commission," or "Commission," -- Means the Public Service Commission of West Virginia created and established under Chapter 24 of the W. Va. Code or any successor to all or any substantial part of its powers and duties.

~~2.23~~2.21. "State agency" -- Means a state department, board, commission, institution or other administrative agency of state government.

~~2.24~~2.22. "Telephone Utility" -- Any person, firm, partnership, or corporation engaged in the business of furnishing telephone communications services to the public under the jurisdiction of the Public Service Commission of West Virginia.

~~2.25. "Tower Access Assistance Fund" -- Means the Fund established in accordance with the provisions of W. Va. Code §24-6-6b(b).~~

~~2.26. "Tower Access Assistance Fund revenue" -- Means all amounts appropriated by the Legislature; all amounts deposited into the Tower Access Assistance Fund; any amounts received, directly or indirectly, from any source for the use of all or any part of any wireless tower project funded by the Tower Access Assistance Fund.~~

~~2.27. "Tower Access Assistance Fund Review Committee," or "Committee" -- Means a committee established by the Commission to review and make recommendations to the Commission on~~

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applications for grants from the Tower Access Assistance Fund. ~~The Committee shall be made up of the following: 1) a member, to be appointed by the Chairman of the Commission, of the Staff of the Public Service Commission familiar with wireless telecommunications technology; 2) the Speaker of the House of Delegates or that person's designee, as a non-voting member; 3) the Senate President or that person's designee, as a non-voting member; 4) a representative of County Commissions, to be appointed by the County Commissioners' Association of West Virginia; 5) a representative, to be appointed by the Governor, of wireless telephone providers operating in West Virginia; 6) a representative, to be appointed by the Governor, of the wireless tower construction industry; 7) the Superintendent of State Police or that person's designee; 8) the Director of the West Virginia Division of Homeland Security and Emergency Management or that person's designee; 9) a representative, appointed by the West Virginia Enhanced 911 Council, of the W. Va. Enhanced 911 Council. The committee shall meet to consider applications for financial assistance from the Tower Access Assistance Fund and to make determinations regarding such applications. Such determinations shall be based upon the guidelines and criteria established by these Rules.~~

2.2823. "Valid retail CMRS subscription" -- A two-way, voice grade or better, cellular or personal communications services (PCS) telecommunications service associated with a unique multi-digit area code prefix assigned by NANC, pursuant to NANP, for any area within the State of West Virginia, and which may be used to signal terminal equipment devices associated with the service. Note: A single cellular or PCS account may have more than one valid retail CMRS subscription associated with that account.

2.24. "WE911 Fee" or "Wireless Enhanced 911 Fee" -- Means the wireless enhanced 911 fee prescribed by W. Va. Code §24-6-6b.

2.2925. "Wireless telephone carrier" -- Means any commercial mobile radio service provider, as defined in W. Va. Code §24-6-2 as cellular licensees, broadband personal communications services licensees, and specialized mobile radio providers, as those terms are defined by the Federal Communication Commission, which offer real-time, two-way switched voice service that is interconnected with the public switched network, and includes resellers of any commercial mobile radio service.

2.3026. "Wireless tower" -- Means any structure, antenna, tower, or other device which provides, or is suitable to provide, ~~commercial mobile radio services (CMRS)~~, cellular phone services, specialized mobile radio (SMR) communications services, common carrier wireless exchange phone services, ~~personal communications services (PCS)~~, public safety (including law enforcement, ambulance, rescue and fire fighting) communications, wireless broadband Internet access, Department of Highways communications and/or commercial pager services.

2.27. "Wireless Tower Access Assistance Fund," or "Fund" -- Means the Fund established in accordance with the provisions of W. Va. Code §24-6-6b.

2.28. "Wireless Tower Access Assistance Fund revenue" -- Means all amounts appropriated by the Legislature; all amounts deposited into the Tower Access Assistance Fund; any amounts received, directly or indirectly, from any source for the use of all or any part of any wireless tower project funded by the Wireless Tower Access Assistance Fund.

2.29. "Wireless Tower Access Assistance Fund Review Committee," or "Committee" -- Means a committee established by the Commission to review and make recommendations to the Commission on applications for grants from the Wireless Tower Access Assistance Fund. The Committee will be made up of the following: 1) a member, to be appointed by the Chairman of the Commission, of the Staff of the Public Service Commission familiar with wireless telecommunications technology; 2) the Speaker of the House of Delegates or that person's designee, as a non-voting member; 3) the Senate President or that person's designee, as a non-voting member; 4) a representative of County Commissions, to be

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appointed by the County Commissioners' Association of West Virginia; 5) a representative, to be appointed by the Governor, of wireless telephone providers operating in West Virginia; 6) a representative, to be appointed by the Governor, of the wireless tower construction industry; 7) the Superintendent of State Police or that person's designee; 8) the Director of the West Virginia Division of Homeland Security and Emergency Management or that person's designee; 9) a representative, appointed by the West Virginia Enhanced 911 Council, of the W. Va. Enhanced 911 Council. The Committee will meet to consider applications for financial assistance from the Wireless Tower Access Assistance Fund and to make determinations regarding such applications. Such determinations shall be based upon the guidelines and criteria established by these Rules.

2.30. "Wireless Tower Access Fee" -- Means the monthly fee that a CMRS provider charges and collects from their in-state two-way service subscribers, which generates revenue designated to fund the construction of wireless towers.

§150-25-3. Local Emergency Telephone Systems.

3.1. Creation of emergency telephone systems.

3.1.1. A public agency may establish, consistent with these Rules, an emergency telephone system within its respective jurisdiction. Nothing herein contained, however, ~~shall~~ will be construed to prohibit or discourage in any way the establishment of multi-jurisdictional or regional systems, and any system established may include only a portion of the territory of a public agency. To the extent feasible, these systems ~~shall~~ will be centralized.

3.1.2. Every system ~~shall~~ will provide access to emergency services organizations, police, fire-fighting, and emergency medical and ambulance services and may provide access to other emergency services. The system may also provide access to private ambulance services. The system may also provide the necessary mechanical equipment at the established public agency answering point to allow deaf persons access to the system. In those areas in which a public safety unit of the State provides emergency services, the system ~~shall~~ will provide access to the public safety unit.

3.1.3. The number "9-1-1" ~~shall~~ will be used as the primary emergency number whenever practicable. If the use of the number "9-1-1" is not practicable, the telephone utility or companies ~~shall~~ will make application to this Commission in order to use an alternate emergency telephone number. The Commission encourages the use of "1-9-1-1" as the alternate emergency telephone number.

3.1.4. The telephone utility in the normal course of replacing or making major modifications to its switching equipment ~~shall~~ will include the capability of providing for the emergency telephone system and ~~shall~~ will bear all costs related thereto. All charges for other services and facilities provided by the telephone utility, including the provision of distribution facilities and station equipment, ~~shall~~ will be paid for by the public agency or public safety unit in accordance with the applicable tariff rates then in effect for such services and facilities.

3.2. Establishment of emergency telephone systems.

3.2.1. The telephone utility when establishing a new wire center or when replacing the switching equipment for any existing wire center ~~shall~~ will insure that the new switching equipment contains the capability of providing emergency telephone system services.

3.2.2. The telephone utility ~~shall~~ will design the switching equipment used in all new wire centers and in the replacement of existing wire centers to be capable of accessing emergency services by using the telephone number "9-1-1".

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3.2.3. The telephone utility when modifying the existing switching equipment in any wire center ~~shall~~ will configure the equipment in a manner that will most easily facilitate the implementation of an emergency telephone system in that wire center, using the telephone number "9-1-1", if practicable.

3.2.4. Under normal circumstances, the telephone utility ~~shall~~ will respond within ninety (90) days to any application for emergency telephone service made by a public agency, emergency services organization or public safety unit. This response ~~shall~~ will show the projected cost of the system to the maker of the application and the projected date on which emergency telephone service can be established. A copy of this response ~~shall~~ will be filed with the Commission.

3.2.5. Under normal circumstances where equipment is available, the telephone utility ~~shall~~ will have as its objective the satisfaction of all requests for the establishment of emergency telephone service within nine (9) months of the date of a firm order for such service. Under all circumstances, emergency telephone service should be established within twenty-four (24) months of the date of such firm order received by the telephone utility.

3.2.6. The telephone utility ~~shall~~ will report to the Commission any request for emergency telephone service it is unable to satisfy within nine (9) months of any application therefor.

3.2.7. The provision of emergency telephone service ~~shall~~ will be made under tariffs approved by this Commission.

3.2.8. In political jurisdictions served by more than one (1) telephone utility, the telephone utilities ~~shall~~ will cooperate in establishing an emergency telephone system. The Utilities Division of this Commission ~~shall~~ will, upon request, assist in the coordination of the different telephone utilities. In these political jurisdictions, the telephone utilities ~~shall~~ will have as their objective the satisfaction of all requests for an emergency telephone system within nine (9) months of the date a firm order for such system is received. Under all circumstances, emergency telephone service should be established within twenty-four (24) months of the date of such firm order received by the telephone utility.

3.2.9. The telephone utilities ~~shall~~ will report to the Commission any request for emergency telephone systems involving more than one (1) utility which cannot be established within one (1) year of the date a firm order is received.

3.3. Reporting requirements of the telephone utility. The telephone utility, before establishing any wire center, replacing any wire center or making major modifications to any wire center, will furnish the Commission with plans showing that it has complied with the requirements of these Rules. "Major Modifications" is hereby defined to be a central office modification affecting level assignments, thousands levels or trunking.

~~The telephone utility before establishing any wire center, replacing any wire center or making major modifications to any wire center, shall furnish the Commission plans showing that it has complied with the requirements of these rules. "Major Modifications" is hereby defined to be a central office modification affecting level assignments, thousands levels or trunking.~~

3.4. 9-1-1 ~~Rule~~ regarding telephone directory emergency numbers pages.

3.4.1. Telephone directories ~~shall~~ will list, on the inside of the directory front cover or on the front page of the directory, otherwise known as the emergency calling information page, all emergency service providers accessible from the exchanges covered by the directory on a local call and/or 9-1-1 basis: Provided, That, if a 9-1-1 system serves any portion of the area covered by the directory, the emergency calling information page ~~shall~~ will boldly and prominently display the 9-1-1 telephone number. Furthermore, all major public agencies such as, municipal police, fire, ambulance,

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sheriff and state police, that are accessible by calling 9-1-1 ~~shall~~ will be listed in close proximity to the 9-1-1 listing along with the appropriate agency generic symbols.

3.4.2. Each telephone directory ~~shall~~ will have a page immediately following the emergency calling information page which ~~shall~~ will clearly list the name and seven (7) digit non-emergency administrative telephone number of each individual emergency services provider which serves any portion of the area covered by the telephone directory. Such listings ~~shall~~ will be grouped by service type (e.g., ambulance, fire, law enforcement, rescue, etc.) and the listings ~~shall~~ will be arranged alphabetically within the service type grouping. Where appropriate, subgrouping by county may be done. The seven (7) digit non-emergency administrative telephone number of each 9-1-1 Public Safety Answering Point which serves any portion of the area covered by the telephone directory ~~shall~~ will be prominently displayed at the top of the page.

3.4.3. Where an entire directory coverage area is not covered by 9-1-1, the emergency calling information page ~~shall~~ will list the seven (7) digit telephone numbers of all directory coverage area Public Safety Units not accessible by calling 9-1-1. The emergency calling information page ~~shall~~ will, at least, clearly show which emergency calls should be made to 9-1-1 and which should be made to other emergency telephone numbers listed on the page.

3.4.4. Additional information regarding emergency calling, as is beneficial to the public interest, may appear on the emergency calling information page.

3.4.5. Each and every local exchange telephone carrier responsible for a telephone directory emergency calling information page ~~shall~~ will submit each emergency calling information page and the page immediately following to the Public Service Commission for review, by informally filing same with the Public Service Commission's Telecommunications Section, before said pages are published. Such submittals ~~shall~~ will be sent at least thirty (30) calendar days prior to the deadline for making changes.

§150-25-4. Billing and Collection of ~~E911 Fees~~ WE911 Fee, Public Safety Fee and Wireless Tower Fee.

4.1. Post-paid service -- ~~On a monthly basis, Each CMRS post-paid provider will shall, with each bill rendered, levy charge and collect an WE911 Fee, a Public Safety Fee, and a Wireless Tower Fee at the current statutory rate, on each valid retail CMRS subscription. The applicable E911 fees shall will be listed as separate line items on the billing statement provided to each valid post-paid retail CMRS subscription by CMRS providers.~~

4.1.1 The WE911 Fee, equal to the amount established by W. Va. Code §24-6-6b(b), or the amount as may be subsequently respecified in accordance with the statute, should be listed as a separate line item on the monthly billing statement provided to each valid in-state CMRS subscriber and collected by CMRS providers.

4.1.2 The Public Safety Fee, equal to the amount of twenty-nine cents (\$0.29) per month, or the amount as may be subsequently modified by force of law, should be listed as a separate line item on the billing statement provided to each valid in-state CMRS subscriber and collected by CMRS providers.

4.1.3 The Wireless Tower Fee, equal to the amount of eight cents (\$0.08) per month, or the amount as may be subsequently modified by force of law, should be listed as a separate line item on the billing statement provided to each valid in-state CMRS subscriber and collected by CMRS providers.

4.2. Pre-paid service -- ~~Beginning July 1, 2008, p~~Prepaid wireless calling service is subject to the general consumer sales and service tax, in lieu of the ~~wireless enhanced WE911 Fee, the Public Safety Fee~~

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and the Wireless Tower Fee.

§150-25-5. Remission of E911 Fees, WE911 Fee, Public Safety Fee and Wireless Tower Fee Revenues to Commission.

5.1. Post-paid service -- By no later than the seventeenth (17th) day of each month, or the first business day thereafter, each CMRS provider ~~shall will~~, after retaining a billing fee equal to three percent (3%) of the total sum collected for the WE911 Fee, the Public Safety Fee, and the Wireless Tower Fee during the preceding month or billing period, remit to the Commission a check, or appropriate financial equivalent, for the net ~~balance E911 of the fees revenues collected, after retaining three percent (3%) for the billing or collection of the E911 fee, during the preceding month or billing period.~~ If remitted by mail, the postmark ~~shall will~~ be used as proof of compliance. If remitted electronically, the date specified by the software used ~~shall will~~ be used as proof of compliance. The fees revenues shall will be remitted to:

By mail:

Public Service Commission of West Virginia
Administrative Services Division
P.O. Box 812
Charleston, West Virginia 25323

Electronically:

executive_director_e911CMRS@psc.state.wv.us

5.1.1. Form to be used with fee revenue remittals. CMRS providers ~~shall will~~ use P.S.C. W. VA. Form No. WLF-1, or a reasonable functional equivalent, when remitting ~~E911 fees the fee revenue~~ to the Commission. Form No. WLF-1 requires CMRS providers to separately list (1) the total number of subscriber fees collected and amount of revenue collected for each fee; (2) the sum of all revenue collected; (3) the three percent (3%) billing fee amount withheld from the sum total revenue; and (4) the total net amount of fee revenue remitted to the Commission. All information requested by Form No. WLF-1 shall will be provided. This may be done electronically, at the discretion of the CMRS provider.

5.1.2. Each CMRS provider ~~shall will~~ remit to the Commission ~~such E911 fees the net funds~~ actually collected by the CMRS provider. ~~Such E911 fees~~ The remitted funds shall will include any previously unpaid ~~E911 Fees, WE911 Fees, Public Safety Fees, and Wireless Tower Fees~~ collected by the CMRS provider during the preceding monthly billing period.

~~5.1.3. The first 3.00, or the monthly wireless E911 fee amount as such may subsequently be modified by force of law, collected on each valid retail CMRS subscription, or such E911 fee as may be respecified by the Commission in accordance with these rules, shall be attributed to payment of the applicable monthly E911 fee.~~

~~5.2. Pre-paid service -- Within thirty days following the end of each calendar month, the Tax Commissioner shall remit to the Commission the proceeds of the general consumer sales and service tax collected from prepaid wireless calling service in the preceding month.~~

~~5.2.1. For purposes of determining the amount of those monthly proceeds, the Tax Commissioner shall use an amount equal to 1/12th of the wireless enhanced 911 fees collected from prepaid wireless calling service under W. Va. Code § 24-6-6b during the period beginning on July 1, 2007, and ending on June 30, 2008.~~

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~~5.2.2. Beginning on July 1, 2009, the Tax Commissioner shall adjust this amount annually by an amount proportionate to the increase or decrease in the enhanced wireless 911 fees paid to the Commission under W. Va. Code § 24-6-6b during the previous 12 months.~~

§150-25-6. Calculation of Fee Revenue Disbursement of E911 Fees.

6.1. The Commission's Administrative Services Division ~~shall~~ will, using the methodology and data required by W. Va. Code §24-6-6b, calculate the ~~E911 fee~~ disbursement ratios for the revenue generated by the WE911 Fee, Public Safety Fee and Wireless Tower Fee, as provided herein below.

6.1.1. ~~Five percent Nineteen cents (\$0.19) of the wireless enhanced 911 twenty-nine cents (\$0.29) Public Safety Fee fee money collected per subscriber and received by the Public Service Commission each month shall will be deposited designated in the fund established by for the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrades of the West Virginia Interoperable Radio Project and any other costs associated with establishing and maintaining the infrastructure of the system.~~

6.1.2. Each month, ~~one twelfth of one million dollars eight cents (\$0.08), or the total amount of the Wireless Tower Fee, collected per subscriber and received by the Commission shall will be deposited in a fund entitled "Enhanced 911 Wireless Tower Access Assistance Fund."~~

6.1.3. Each month, ~~ten cents (\$0.10) of the remaining twenty-nine cent (\$0.29) Public Safety Fee collected per subscriber and received by the Commission will be designated for the West Virginia State Police shall be provided an amount equal to ten cents from each fee payment received in the previous month.~~

6.1.4. Disbursement ratios ~~for the WE911 Fee revenue used pursuant to 6.5~~ 6.4 herein shall will be recalculated by the Commission's Administrative Services Division within thirty calendar days of the availability of updated decennial county population census data. Such recalculated disbursement ratios ~~shall will~~ be effective on July 1 immediately following such recalculation.

6.2. ~~Counties which enact an E911 ordinance after July 11, 1997, or which enacted an E911 ordinance on or after July 11, 1992 but before July 11, 1997, shall receive one percent (1%) of the remainder of the monthly E911 fee revenues for a period of five (5) years following the adoption of the ordinance. After the fifth anniversary of the date of adoption of the ordinance, each such county Counties with an Enhanced Emergency Telephone System ordinance enacted shall will receive only that county's portion of the monthly WE911 fee Fee revenues being disbursed on a pro rata basis, as set forth in Rules 6.3., 6.4 and 6.5 herein.~~

6.3. ~~On and after July 1, 2005, w~~ When two or more counties organize pursuant to law into one county in order to provide government services and upon written notice to the Commission verifying such consolidation, the consolidated county shall will receive one percent (1) of the monthly net WE911 Fee fee revenues received by the Public Service Commission for itself and for each county merged into the consolidated county, in addition to other amounts permitted by this Rule.

6.4. Each county ~~shall will~~ receive eight and one-half tenths of one percent (0.0085) of the remainder of the monthly ~~E911 fee~~ WE911 Fee revenues received by the Commission.

6.5. From any WE911 Fee moneys remaining, each county ~~shall will~~ receive a pro rata portion, based on that county's percentage of the state's total population, as determined in the most recent decennial census.

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~~6.6. Each county shall receive its share of the wireless E911 fee revenue for use in the same manner as the E911 fee revenues received by the county pursuant to its E911 ordinances.~~

§150-25-7. Accounting for E911 Fee Revenues Accounting.

~~The Commission shall cause to be established an account for all monthly E911 fee revenues remitted to the Commission. Said account shall serve as a repository for such fee revenues until, in accordance with the quarterly disbursement schedule set forth in 8.2 herein, such revenues are disbursed to each county.~~

7.1. The Commission will establish and maintain separate accounts for the WE911 Fee, the Public Safety Fee and the Wireless Tower Fee revenues remitted to the Commission.

7.2. Said accounts will serve as repositories for such fee revenues until, in accordance with the quarterly disbursement schedule set forth below in section 8, such revenues are disbursed to each county.

§150-25-8. Disbursement of Monthly E911 Fee Revenues.

~~8.1. Disbursement of monthly E911 fee WE911 Fee revenues. On a quarterly basis, the Commission shall will be made, by check or appropriate financial equivalent, distribute the WE911 Fee revenues to each county by the Commission by the 10th day of the month in accordance with the schedule set forth in 8.2 herein below.~~

~~8.2. Monthly E911 fee revenues shall be disbursed, either directly, by check or appropriate financial equivalent, to counties as follows:~~

~~8.2.18.1.1 In the months of January, April, July and October, payments shall will be issued to the following counties: Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson and Jefferson.~~

~~8.2.28.1.2. In the months of February, May, August and November, payments shallwill be issued to the following counties: Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton and Pleasants.~~

~~8.2.38.1.3. In the months of March, June, September, and December, payments shall will be issued to the following counties: Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming.~~

~~8.3.8.1.4. The fee WE911 Fee revenues disbursed in any given month shall will be those billed during the three-month period which ended three months prior to the disbursal month. For example, the monthly E911 fee WE911 Fee revenues filed with the Commission by CMRS providers during April, May and June shall will be disbursed in October.~~

8.2. Disbursement of Public Safety Fee revenues. On a monthly basis, the Commission will disburse the Public Safety Fee revenues received as set forth below:

8.2.1. The Commission will disburse nineteen cents (\$0.19) of the Public Safety Fee received per each subscriber to the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance, and upgrades of the West Virginia Interoperable Radio Project and any other costs associated with establishing and maintaining the infrastructure of the system.

8.2.2. The Commission will distribute the remaining ten cents (\$0.10) of the Public Safety Fee received per each subscriber to the West Virginia State Police to be used for equipment upgrades for

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improving and integrating their communication efforts with the Enhanced Emergency Telephone System.

8.3. Disbursement of Wireless Tower Fee revenues. On a monthly basis, the Wireless Tower Fee revenues received by the Commission will be deposited into the Wireless Tower Access Assistance Fund, to subsidize the construction of wireless towers.

§150-25-9. Registration of CMRS Providers.

9.1. Each CMRS provider, or any reseller of any commercial mobile radio service, which has received FCC authority to serve any area within the State of West Virginia on or before December 31, 1997 ~~shall~~ will, no later than January 31, 1998, register with the Commission. Such CMRS providers ~~shall~~ will register with the Commission even if the CMRS provider is not actually providing service in any part of West Virginia.

9.2. CMRS providers which receive authority to serve any area within the State of West Virginia after January 31, 1998 ~~shall~~ will register within thirty (30) calendar days of receiving FCC authority to operate in West Virginia.

9.3. Such registration ~~shall~~ will be filed with the Commission's Executive Secretary and ~~shall~~ will include the following information:

9.3.1. Legal name of CMRS provider;

9.3.2. All business names used by the CMRS provider;

9.3.3. Name, title, mailing address, telephone number, fax number, and E-Mail address (if available) of the person to be contacted regarding state regulatory matters;

9.3.4. A listing of all areas in which the CMRS provider is authorized, by the FCC, to serve any portion of West Virginia; and

9.3.5. A copy of the FCC license authorizing the CMRS provider to serve any portion of West Virginia.

9.4. Changes to any of the above-listed information ~~shall~~ will be filed with the Commission's Executive Secretary within thirty (30) calendar days of the effective date of such change(s). This filing requirement includes providing notice to the Commission's Executive Secretary of any and all mergers, divestitures, acquisitions, etc. affecting West Virginia service areas.

§150-25-10. Submission of Local Exchange Information.

10.1. Each local exchange carrier certificated by the Commission ~~shall~~ will, by no later than April 7 of each year, submit to the Telecommunications Section of the Commission's Utilities Division line counts and ~~E911 fees-WE911 Fee data~~, by county, as of March 1 of that year.

10.2. Such line counts ~~shall~~ will be for each access line, trunk and trunk equivalent, including PBX trunks and CENTREX trunk equivalents; in actual service.

§150-25-11. Respecification of ~~E911 Fees~~ the WE911 Fee.

11.1. The ~~E911 fee-WE911 Fee~~ ~~shall~~ will be respecified biennially, in odd numbered years, using the respecification methodology and data required by W. Va. Code §~~24-6-6b(d)(1)~~24-6-6b(b). The respecified ~~E911 fee-WE911 Fee~~ ~~shall~~ will become effective on July 1 of the respecification year.

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11.2. No later than the first of February of each respecification year, Commission Staff ~~shall~~ will notify each local exchange carrier to submit to the Commission, on or before April 7, line counts and the landline fee for E911 service in each county as of March 1 of the same year.

11.3. Commission Staff ~~shall~~ will make its calculations and recommendation to the Commission regarding whether the WE911 fee needs to be respecified no later than May 7 of the respecification year. The Staff recommendation will be provided to each registered CMRS provider.

11.4. The Commission ~~shall~~ will provide notice of the respecified WE911 fee by issuance of a general order as soon as possible after the receipt of the Staff recommendation.

11.5. For each new CMRS provider that registers with the Commission, the Commission ~~shall~~ will provide notice of the currently applicable WE911 fee within thirty (30) calendar days after the date such CMRS provider registers with the Commission.

§150-25-12. Uncollectibles.

12.1. CMRS post-paid providers shall will make reasonable and diligent efforts to collect unpaid E911 fees-WE911 Fees, Public Safety Fees and Wireless Tower Fees from each valid retail post-paid CMRS subscription. Notwithstanding the foregoing, a CMRS provider shall will not be deemed to be a collection agent or otherwise held liable for a such-subscriptions-subscriber's failure to pay E911-fees properly billed by the CMRS provider.

§150-25-13. Wireless Tower Access Assistance Fund.

13.1. Projects.

13.1.1. Project Review. In order to receive a grant "grant funding" for a project from the Wireless Tower Access Assistance Fund, a ~~wireless tower~~ project sponsor must submit ~~an application on~~ the appropriate form application, to be developed and provided by the Wireless Tower Access Assistance Fund Review Committee, and the ~~wireless tower~~ project must receive the approval of the ~~Tower Access Assistance Fund Review Committee~~.

~~13.1.2. Application Filing. A project sponsor may file an application with the Commission's Executive Secretary at any time during Commission business hours. To be considered for funding from money accruing from the period January 1 through December 31 of the funding year, the project sponsor must file its application on or before November 15 of the funding year, provided that the initial funding year shall be the period from July 8, 2005 through December 31, 2005 and for funding from that funding year, the project sponsor must file its application on or before June 15, 2006.~~

13.1.2. Application Filing. To be considered for funding from money accruing from the period January 1 through December 31 of the funding year, the project sponsor must file its application on or before November 15 of the funding year with the Commission's Executive Secretary.

13.1.3. Application Review. ~~On or before July 31, 2006, the Tower Access Assistance Fund Review~~ The Committee will review all applications filed on or before ~~June 15, 2006~~ the November 15 filing deadline, and ~~shall make a determination regarding each application.~~ The ~~Tower Access Assistance Fund Review Committee shall will make a determination regarding each application and either recommend the approval of, in whole or in part, or the denial of funding for the project or request additional information if necessary to make a determination. The Tower Access Assistance Fund Committee shall will rank all of these the applications for which it recommends approval in order of funding preference. A copy of the determination by the Committee shall will be sent to the~~

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Commission's Executive ~~Secretary~~ and to the applicant. ~~For applications made after June 15, 2006, the Tower Access Assistance Fund Review~~ The Committee will review the applications and make recommendations to the Commission, as described above, during the period following the November 15, 2006 filing deadline and before December 31, 2006. This same procedure ~~shall~~ will repeat with each calendar year, provided that, upon a positive vote of at least six of its members, the ~~Tower Access Assistance Fund Review~~ Committee, for good cause shown, may treat an application in an expedited manner to be determined by the members. In all such instances of expedited treatment, the Commission ~~shall~~ will have fourteen (14) days, from receipt of the ~~Tower Access Assistance Fund Review~~ Committee's expedited recommendation, in which to make its decision regarding such expedited recommendation.

13.1.3.a. The determination by the Committee must be in writing and contain findings that the project meets, if funding is recommended, or does not meet, if funding is not recommended, each of the public interest factors specified in section 13.2. of these Rules.

13.1.3.b. If funding for a project is denied for any reason, the Committee will provide written notice of such to the applicant with a copy to the Commission's Executive Secretary.

~~13.1.4. Issuance of funds by the Commission. Within fourteen (14) days of the receipt of the determination of the Tower Access Assistance Fund Review Committee, the Commission shall, in the instance of a determination to fund a particular project, decide to either accept or reject such determination. Upon the Commission's acceptance to fund a particular project, the Administrative Services Division shall mail a copy of the funding contract to the applicant and schedule a closing on the grant to be held within thirty (30) days. The Commission shall continue its decision-making process through the ranked list until the available funding for the fiscal year is exhausted.~~

13.1.4. Committee Determination. Prior to making any grant, the Committee shall determine that the grant funding and the manner in which it will be provided are necessary or appropriate to accomplish the purposes and intent of W. Va. Code §24-6-6b(e). The Committee will give priority to projects, including projects involving public/private partnerships, where the project will provide significant benefits to public safety communications, including law enforcement, ambulance, rescue and fire fighting communication devices, as well as to commercial mobile radio services, cellular phone services, specialized mobile radio communications services, common carrier wireless exchange phone services, personal communications services, wireless broadband Internet access, Department of Highways communication devices and/or pager services.

~~13.1.4.a. Denial. If funding for a project is denied for any reason, the Committee shall provide written notice of such to the applicant with a copy to the Commission's Executive Secretary.~~

~~13.1.5. Committee Determination. Prior to making any grant, the Committee shall determine that the grant and the manner in which it will be provided are necessary or appropriate to accomplish the purposes and intent of W. Va. Code §24-6-6b(b). Priority shall be given to projects, including public/private partnerships, where the project will provide significant benefits to public safety (including law enforcement, ambulance, rescue and fire fighting) communications as well as to commercial mobile radio services (CMRS), cellular phone services, specialized mobile radio (SMR) communications services, common carrier wireless exchange phone services, personal communications services (PCS), wireless broadband Internet access, Department of Highways communications and/or pager services.~~

13.1.5. Issuance of funds by the Commission. Within fourteen (14) days of the receipt of the determination of the Wireless Tower Access Assistance Fund Review Committee, the Commission will, in the instance of a determination to fund a particular project, decide to either accept or reject such determination. Upon the Commission's acceptance to fund a particular project, the Administrative

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Services Division will mail a copy of the funding contract to the applicant and schedule a closing on the grant to be held within thirty (30) days. The Commission will continue its decision-making process through the ranked list until the available funding for the fiscal year is exhausted.

13.1.6. Eligible Grant Recipients. The Committee ~~shall~~ will not recommend grants for any ~~wireless tower~~ project that is not applied for by a county commission as project sponsor on behalf of itself and/or another person.

13.1.7. Grant Requirements. The Committee may recommend a grant for a project if the Committee determines and finds that (1) the project will result in the provision of wireless enhanced 911 ~~wireless service~~ coverage in the project area; and (2) the absence of a sufficient number of potential wireless users in the project area prevents adequate funding of the project without the awarding of a grant from the Wireless Tower Access Assistance Fund.

13.1.8. Loans. The Committee ~~shall~~ will not recommend, and the Commission ~~shall~~ will not distribute, any loans from the Wireless Tower Access Assistance Fund.

13.2. Review Guidelines.

13.2.1. Determination of Eligible Projects. When evaluating any request for funding assistance to acquire, construct or equip a wireless tower, the ~~Tower Access Assistance Fund Review~~ Committee ~~shall~~ will consider the following:

13.2.1.a. The public health and safety benefits;

13.2.1.b. The degree to which the project will allow the acquisition, construction, and/or equipping of a wireless tower which would provide additional enhanced 911 service coverage;

13.2.1.c. The degree to which the project sponsor can establish that, without such funds, such project would not be economically feasible;

13.2.1.d. The cost effectiveness of the project as compared with alternatives which achieve substantially the same benefits;

13.2.1.e. The availability of alternative sources of funding which could finance all or a part of the project, and the need for the assistance of the Commission to finance the project or attract other sources of funding;

13.2.1.f. The applicant's ability to operate and maintain the wireless tower if the project is approved and consummated;

13.2.1.g. The degree to which the project achieves or abets other state or regional planning goals;

13.2.1.h. The estimated date upon which the project could commence if funding were available, and the estimated completion date of the project;

13.2.1.i. The capability of the project to permit the co-location of communications equipment on the proposed tower for ~~commercial mobile radio services (CMRS)~~, cellular phone services, ~~specialized mobile radio communications (SMR)~~ services, common carrier wireless exchange phone services, ~~personal communications services (PCS)~~, public safety (including law enforcement, ambulance, rescue and fire fighting) communications, wireless broadband Internet access, Department of Highways communications and/or pager services;

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13.2.1.j. The adequacy and efficiency of other wireless communications facilities, if any, in the area to be served by the project; the increase in the reliability of wireless communications service which will be attained; and the efficiency of the proposed solution when compared with other alternatives; and

13.2.1.k. Verification that the project sponsor will obtain a performance bond guaranteeing completion of the project.

13.3. Wireless Tower Access Assistance Fund Administration.

13.3.1. Administration of the Wireless Tower Access Assistance Fund. The Commission's Administrative Services Division ~~shall~~ will be responsible for administration of the account containing Wireless Tower Access Assistance Fund money. ~~That division shall receive and deposit Enhanced 911 Fee revenues intended for the Tower Access Assistance Fund and shall be responsible for all Tower Access Assistance Fund grant transactions. The Administrative Services Division will receive and deposit Wireless Tower Fee revenues intended for the Fund and will be responsible for all Fund grant transactions.~~

13.3.2. Sources of Money for Fund. ~~The Tower Access Assistance Fund shall will~~ consist of Wireless Tower Fee revenues; any appropriations, grants, gifts, contributions, or other revenues received by the Wireless Tower Access Assistance Fund from any source, public or private; insurance proceeds payable to the Commission or the Wireless Tower Access Assistance Fund in connection with any Wireless Tower Access Assistance project or projects; and all income earned on moneys held in the Wireless Tower Access Assistance Fund.

13.3.3. Use of Moneys in the Fund. The Commission, subject to the restrictions set forth in W. Va. Code §24-6-6b(b), ~~shall~~ will use money in the Wireless Tower Access Assistance Fund to make grants to finance all or part of the costs of projects to be undertaken by a project sponsor.

13.3.4. Terms of Grant. ~~Where a project sponsor has received Tower Assistance grant money to fund a project, and the project is thereafter sold, then to the extent that proceeds are available, the grant contract developed by the Committee shall require the project sponsor to reimburse the Tower Access Assistance Fund the amount of the Tower Assistance grant. The contract shall require that the amount of repayment shall be reduced by the applicable share of accumulated depreciation of the project.~~

13.3.4. Reporting Requirements of Grant. West Virginia Code §24-4-14 and the State Auditor's Accountability Requirements for State Funds and Grants, 150 C.S.R. Series 9, establishes reporting requirements for the Commission as the grantor of wireless tower grant funds and the project sponsor(s) who is/are awarded grant monies from the Wireless Tower Access Assistance Fund.

~~13.3.4.a. The funding contract may contain provisions such that if the project is sold, the Commission shall be notified and the applicant and/or purchaser shall be required to repay the grant funds.~~

13.3.4.a. Project Sponsor Grantee(s) Reporting. Within two years of the end of the grantee's fiscal year in which the disbursement of state grant funds by the Commission is made, a grantee of \$50,000 or more of Wireless Tower Access Assistance Fund, in a state's fiscal year, will file with the Commission and the State Auditor a report of the disbursement of the grant funds; and, a grantee of less than \$50,000, in a state's fiscal year, will file with the Commission and the State Auditor a sworn statement detailing the expenditures of the grant funds.

~~13.3.4.b. The Committee shall prepare a report for the Commission on an annual basis listing those projects which received grant money and are sold. The report shall include a description of the terms by which the grant will be repaid.~~

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13.3.4.b. Project Sponsor Grantor Reporting. The Director of the Commission's Administration Division is named Chief Accountability Officer and responsible to facilitate compliance with W. Va. Code §24-4-14 and the State Auditor's Accountability Requirements for State Funds and Grants, 150 C.S.R. Series 9, with respect to the Commission's requirement to report on Wireless Tower Access Assistance Fund funding, including reporting any grantee(s) failing to file a report or sworn statement in accordance with the law.

13.3.4.c. Wireless Tower Access Assistance Fund Review Committee Reporting. The Committee will prepare a report for the Commission on an annual basis listing the projects which received grant money and are sold after receipt of grant funds, including a description of the terms by which the project sponsor(s) will repay grant monies upon the sale of a grant funded wireless tower.

13.3.5. Terms and conditions for Receiving Financial Assistance from the Fund. Each grant awarded by the Commission ~~shall~~ will be evidenced by a grant agreement contract between the Commission as the grantor and the project sponsor(s) as the grantee to which the grant shall be awarded; ~~the contract shall will~~ include, in addition to those provisions described elsewhere in this Rule, and without limitation and to the extent applicable, the following provisions:

13.3.5.a. The estimated cost of the project and the amount of the grant;

13.3.5.b. The specific purposes for which any items on which the grant proceeds ~~shall~~ will be expended and the conditions and procedure for disbursing grant proceeds;

13.3.5.c. The duties and obligations imposed by the Commission upon the project sponsor(s) regarding the project;

13.3.5.d. The agreement of the project sponsor(s) will ~~to~~ comply with all applicable federal and state laws and all ~~rules~~ Rules and regulations issued or imposed by the Commission or other state, federal or local bodies regarding the design, acquisition, equipping, and/or construction of the wireless tower and granting the Commission the right to appoint a receiver for the wireless tower project if the project sponsor should default on any terms of the agreement;

13.3.5.e. The project sponsor(s) will provide the Commission with thirty (30) days advance notice of its intent to sell the tower that is the subject of the project, by filing written notice with the Executive Secretary of the Commission, which must include the Tower Assistance Fund (-TAF) docket number for the specific grant that funded the tower.

13.3.5.f. Upon sale by the project sponsor(s) of the tower that is the subject of the project, to the extent that proceeds are available, the project sponsor(s) will reimburse the Wireless Tower Access Assistance Fund the amount of the grant funding, reduced by the applicable share of accumulated depreciation of the project.

13.3.5.g. The grant agreement contract will be governed by the laws of the State of West Virginia.

13.4. Filing and Docketing of Applications.

13.4.1. Applications procedures. The project sponsor ~~shall~~ will file an original and one copy of the application with the Commission's Executive Secretary. That office ~~shall~~ will record the filing in the Commission's docket using an appropriate designation methodology consisting of a Tower Assistance Fund (-TAF) case designation. ~~The filing shall be distributed to the members of the Wireless Tower Access Assistance Fund Review Committee by the chairman of the Committee. The chairman~~

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of the Wireless Tower Access Assistance Fund Review Committee will distribute the application filing to the other members of the Committee. The project sponsor will send any Additional additional documents, correspondence, etc., associated with the filing shall be sent directly by the project sponsor to each of the members of the Tower Access Assistance Fund Review Committee and shall will file one copy with the Commission's Executive Secretary. The Applicant project sponsor shall will, upon request of the chairman of the Tower Access Assistance Fund Review Committee, make electronic copies, in a format specified by that person, of all application documents available, including documents comprising the original application and documents filed subsequently.

13.5. Wireless Tower Access Assistance Fund Review Committee.

13.5.1. Terms of Membership. Membership terms ~~shall~~ will be for three years. Initial memberships of the Commission Staff representative, the House representative and the Senate representative ~~shall~~ will be for one year and initial memberships for the County Commissioners' Association of West Virginia representative, the wireless telephone providers representative and the wireless tower construction industry representative ~~shall~~ will be for two years. Members ~~shall~~ will serve at the will and pleasure of the appointing authority. The unexpired portion of a vacating member's term ~~shall~~ will be filled by a replacement appointed pursuant to Rule ~~2.27~~ 2.29, herein.

13.5.2. Bylaws. The Wireless Tower Access Assistance Fund Review Committee ~~shall~~ will, as soon as possible, draft bylaws and submit them to the Commission for its review and approval. Such bylaws ~~shall~~ will include, among other necessary provisions of the Committee to conduct business, provisions related to (1) the conduct of public meetings, (2) the publication of the time, location, and agenda of such meetings, (3) ~~rules~~ Rules for submission of items to the agenda, (4) a provision for minutes of the meetings, (5) copies of the grant application forms as developed by the Committee, and (6) copies of the contracts used to administer the individual grants as developed by the Committee.

13.5.3. Voting. Each Committee member ~~shall~~ will have one vote on all matters put to a vote by the Committee. A Committee member may, by stating such on a written and signed document submitted to the Committee Chairperson, assign a voting designee when that member is unable to attend a Committee meeting. Members may attend meetings in person or via teleconference facilities. A member or that member's voting designee must be in attendance at a Committee meeting in order to vote on matters at that meeting. Matters voted upon at Committee meetings ~~shall~~ will be considered passed when a majority of the members and member designees present at the meeting, either in person or via teleconference facilities, vote for the matter.

13.5.4. Quorum. No matter may be put to a vote at a Committee meeting unless a quorum of members and member designees is present at the meeting. A quorum ~~shall~~ will consist of a total of at least four~~(4)~~ voting members and/or member designees.

13.5.5. Chairperson. The Committee membership ~~shall~~ will designate a Chairperson who ~~shall~~ will be responsible for conducting the business of the Committee. The Chairperson ~~shall~~ will serve at the will and pleasure of the Committee's members and may be replaced by a majority vote at a Committee meeting at which a quorum is present. The Chairperson, or that person's designee, designated by submission of a signed written document to the Chairman of the Commission, ~~shall~~ will preside at Committee meetings.

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PSC WV Form No. WLF-1

(Rule 5.1.1)

(Effective 05/2021)

**PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
WIRELESS E-911 CMRS SUBSCRIBER FEE REPORT**

MONTH OF _____, 20____

Must remit to the WVPSC by no later than the 17th of the month
or the first business day thereafter.

FEIN: _____

COMPANY NAME: _____

DBA (IF APPLICABLE): _____

ADDRESS: _____

CONTACT PERSON _____ PHONE _____

EMAIL ADDRESS _____

NUMBER OF FEES COLLECTED _____

AMOUNT COLLECTED \$ _____

LESS 3% ADMINISTRATIVE FEE \$ _____

NET PAYABLE TO PSC \$ _____

	Authorized Fee	Number of Fees Collected	Amount Collected
Wireless Enhanced 911 Fee: \$	3.51	X	\$
Wireless Tower Fee: \$	0.08	X	\$
Public Safety Fee: \$	0.29	X	\$

Total Amount Collected: \$ _____

Less 3% Administrative Fee: \$ _____

Net Payable to PSC: \$ _____

MAIL PAYMENT TO:

Public Service Commission of West Virginia
 Administrative Services Division
 PO Box 812
 Charleston, WV 25323

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OR, TO FILE ELECTRONICALLY: executive_director_ e911CMRS@psc.state.wv.us

FAX INFO: (304) 340-3753, ATTN: ~~E-911 Fee Report~~ CMRS Subscriber Fee Report

Attachment B

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
in the City of Charleston on the 10th day of April 2023.

GENERAL ORDER NO. 187.62

In the matter of Revisions to the Rules
Governing Emergency Telephone Service,
150 C.S.R. Series 25.

NOTICE OF OPPORTUNITY TO COMMENT
REGARDING REVISIONS TO RULES GOVERNING
EMERGENCY TELEPHONE SERVICE

The Public Service Commission of West Virginia is considering modifying the rules which govern the billing, collection and remission of a Wireless Enhanced 911 Fee, a Public Safety Fee and a Wireless Tower Fee, on a monthly basis, by certain telecommunications carriers and the disbursement of such fee revenues in accordance with W. Va. Code § 24-6-6b to the West Virginia State Police, the Division of Homeland Security and Emergency Management, the Wireless Tower Access Assistance Fund, and counties in the State. A copy of the Commission Order and the proposed revised Rules Governing Emergency Telephone Service are at the Commission website (www.psc.state.wv.us) under the Case Information section using the General Order No. above.

The Commission will receive written comments from the public on the proposed amendments to the rules according to the below schedule:

Initial Comments	4 p.m. May 10, 2023
Reply Comments	4 p.m. June 9, 2023

Written comments should contain case number General Order No. 187.62 and be addressed to Karen Buckley, Executive Secretary, Public Service Commission of West Virginia, P. O. Box 812, Charleston, West Virginia 25323.

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA



Upshur County Sheriff's Financial Statement

For Period Ending: **March 2023**

Bank Balance Listing

BANK NAME	ACCOUNT NAME	BANK BALANCE	OUTSTANDING CHECKS/DEBITS	OUTSTANDING DEPOSITS/CREDITS	BOOK BALANCE
CITIZENS BANK OF WEST VIRGINIA					
	GENERAL COUNTY FUND - IBCK	\$ 796,206.37	\$ -	\$ 538,775.05	\$ 1,334,981.42
	COAL SEVERANCE - IBCK	\$ 93,238.20	\$ -	\$ -	\$ 93,238.20
	E-911 - IBCK	\$ 1,382,114.53	\$ -	\$ -	\$ 1,382,114.53
	CURRY PARK - IBCK	\$ 129,105.04	\$ -	\$ -	\$ 129,105.04
	CURRY LIBRARY - IBCK	\$ 15,478.26	\$ -	\$ -	\$ 15,478.26
	ASSESSOR'S VALUATION - IBCK	\$ 308,799.57	\$ -	\$ 23,624.94	\$ 332,424.51
	UP. CO. FIN. STAB. FUND - IBCK	\$ 1,634,666.40	\$ -	\$ -	\$ 1,634,666.40
	CONCEALED WEAPONS - IBCK	\$ 31,633.52	\$ -	\$ 210.00	\$ 31,843.52
	GENERAL TAX - IBCK	\$ 1,478,135.00	\$ (1,746,959.23)	\$ 268,824.23	\$ -
	BOARD OF HEALTH FUND - IBCK	\$ 121,273.36	\$ (78.23)	\$ -	\$ 121,195.13
	OASIS CLEARING - CKNG	\$ -	\$ -	\$ -	\$ -
	UPSHUR CO. FIRE FEE - IBCK	\$ 18,780.39	\$ (60.00)	\$ 452.28	\$ 19,172.67
	UP CO COAL REALLOCATION - IBCK	\$ -	\$ -	\$ -	\$ -
	EMPLOYEE BENEFITS - IBCK	\$ 1,255,453.83	\$ -	\$ -	\$ 1,255,453.83
	SP LAW ENF INVESTIGATION - IBCK	\$ 2,489.85	\$ -	\$ -	\$ 2,489.85
	COMMUNITY CORRECTIONS - IBCK	\$ 1,632,515.75	\$ (1,032.00)	\$ 192,880.00	\$ 1,824,363.75
	PARKS/REC CLEARING - CKNG	\$ 6,779.69	\$ (6,779.69)	\$ -	\$ -
	ADDRESSING/MAPPING CLEARING	\$ 45.00	\$ (45.00)	\$ -	\$ -
	TAX CLEARING - CKNG	\$ 170,477.32	\$ (207,794.76)	\$ 37,317.44	\$ -
	BOARD OF HEALTH PAYROLL - CKNG	\$ 7,723.11	\$ (2,723.12)	\$ -	\$ 4,999.99
	GENERAL COUNTY OPERATING - CKNG	\$ 52,076.60	\$ (17,298.05)	\$ -	\$ 34,778.55
	DOG & KENNEL - CKNG	\$ 81,764.58	\$ -	\$ -	\$ 81,764.58
	GENERAL COUNTY MISC -CKNG	\$ 26,865.39	\$ (21.62)	\$ -	\$ 26,843.77
	WORTHLESS CHECK - IBCK	\$ 121,259.29	\$ -	\$ -	\$ 121,259.29
	HOME CONFINEMENT - IBCK	\$ 27,232.74	\$ -	\$ -	\$ 27,232.74
	EE HEALTH CARE REIMB - IBCK	\$ 40,688.68	\$ (33.85)	\$ -	\$ 40,654.83
	VOTER'S REGISTRATION - IBCK	\$ 1,259.13	\$ -	\$ -	\$ 1,259.13
	JURY - CKNG	\$ 15,314.03	\$ (233.67)	\$ -	\$ 15,080.36
	CHILD EXCHG & VISITATION - CKNG	\$ 53,314.67	\$ -	\$ -	\$ 53,314.67
	SPAY & NEUTER - CKNG	\$ 51,236.89	\$ (439.90)	\$ 246.00	\$ 51,042.99
	ELKINS ROAD PSD - CKNG	\$ -	\$ -	\$ -	\$ -
	AMERICAN RECOVERY FUND - IBCK	\$ 3,247,132.04	\$ -	\$ -	\$ 3,247,132.04
	WELLNESS COMPLEX - CKNG	\$ 4,760.00	\$ -	\$ -	\$ 4,760.00
	DMV LICENSE - CKNG	\$ 45,423.70	\$ -	\$ 4,671.30	\$ 50,095.00
	STATE CLEARING - CKNG	\$ 45.00	\$ -	\$ -	\$ 45.00
	STATE POLICE - CKNG	\$ 1,398.05	\$ (1,400.00)	\$ 5.00	\$ 3.05
	TAX LEIN - CKNG	\$ 154,097.63	\$ -	\$ -	\$ 154,097.63
	DELQ & NON-ENTERED LAND - CKNG	\$ 100.00	\$ -	\$ -	\$ 100.00
	BOARD OF HEALTH OPERATING - CKNG	\$ 4,689.95	\$ (2,413.95)	\$ -	\$ 2,276.00
	WVDSRF - CKNG	\$ 501.00	\$ -	\$ 180.00	\$ 681.00
	BANK TOTAL	\$ 13,014,074.56	\$ (1,987,313.07)	\$ 1,067,186.24	\$ 12,093,947.73
SUMMARY:					
	TOTAL ALL BANKS	\$ 13,014,074.56	\$ (1,987,313.07)	\$ 1,067,186.24	\$ 12,093,947.73
	PETTY CASH / CASH DRAWERS				\$ 1,750.00
	CASH SPECIAL INVESTIGATION FUND				\$ -
	GRAND TOTAL				\$ 12,095,697.73




Upshur County Sheriff's Financial Statement

For Period Ending : March 2023

FUND NAME	BEGINNING BALANCE	CURRENT MONTH COLLECTIONS	ORDERS ISSUED	BALANCE PER BOOKS
FUND - 001 GENERAL COUNTY FUND	\$ 1,093,237.50	\$ 1,256,794.31	\$ (978,521.84)	\$ 1,371,509.97
FUND - 002 COAL SEVERANCE TAX FUND	\$ 93,226.32	\$ 11.88	\$ -	\$ 93,238.20
FUND - 003 DOG AND KENNEL FUND	\$ 76,892.05	\$ 44,503.12	\$ (39,630.59)	\$ 81,764.58
FUND - 004 GENERAL SCHOOL FUND	\$ 8,873.31	\$ 5,357.07	\$ -	\$ 14,230.38
FUND - 005 MAGISTRATE COURT FUND	\$ 10,971.52	\$ 1,641.87	\$ -	\$ 12,613.39
FUND - 006 WORTHLESS CHECK FUND	\$ 121,093.85	\$ 165.44	\$ -	\$ 121,259.29
FUND - 007 E-911 FUND	\$ 1,573,288.28	\$ 24,053.46	\$ (215,227.21)	\$ 1,382,114.53
FUND - 008 HOME CONFINEMENT FUND	\$ 35,258.31	\$ 15,364.44	\$ (23,390.01)	\$ 27,232.74
FUND - 013 CURRY PARK FUND	\$ 133,776.98	\$ 293.25	\$ (4,965.19)	\$ 129,105.04
FUND - 015 CURRY LIBRARY FUND	\$ 15,534.54	\$ 1,474.98	\$ (1,531.26)	\$ 15,478.26
FUND - 018 AIRPORT CONSTRUCTION FUND	\$ -	\$ -	\$ -	\$ -
FUND - 019 UPSHUR COUNTY FIRE FEE FUND	\$ 8,151.08	\$ 11,076.59	\$ (55.00)	\$ 19,172.67
FUND - 021 EE HEALTH CARE REIMBURSEMENT FUND	\$ 38,319.54	\$ 15,407.09	\$ (13,071.80)	\$ 40,654.83
FUND - 039 COAL REALLOCATION FUND	\$ -	\$ -	\$ -	\$ -
FUND - 052 EMPLOYEE BENEFITS FUND	\$ 1,207,690.91	\$ 49,737.92	\$ (1,975.00)	\$ 1,255,453.83
FUND - 056 ASSESSOR'S VALUATION FUND	\$ 351,692.92	\$ 24,016.61	\$ (43,285.02)	\$ 332,424.51
FUND - 058 UP.CO.FIN.STBL.FUND	\$ 1,633,556.48	\$ 1,109.92	\$ -	\$ 1,634,666.40
FUND - 059 CONCEALED WEAPONS FUND	\$ 30,739.55	\$ 1,128.97	\$ (25.00)	\$ 31,843.52
FUND - 063 VOTER'S REGISTRATION FUND	\$ 1,258.97	\$ 0.16	\$ -	\$ 1,259.13
FUND - 071 JURY FUND	\$ 15,080.36	\$ -	\$ -	\$ 15,080.36
FUND - 073 SPECIAL LAW ENFRMCT INVESTIGATION FUND	\$ 2,489.53	\$ 0.32	\$ -	\$ 2,489.85
FUND - 078 CHILD EXCHANGE & VISITATION FUND	\$ 58,863.90	\$ -	\$ (5,549.23)	\$ 53,314.67
FUND - 079 SPAYING & NEUTERING FUND	\$ 52,888.38	\$ 1,150.00	\$ (2,995.39)	\$ 51,042.99
FUND - 080 COMM. CORR. FUND	\$ 1,879,714.33	\$ 246,986.92	\$ (302,337.50)	\$ 1,824,363.75
FUND - 102 AIRPORT IMP. PROJECT FUND	\$ -	\$ -	\$ -	\$ -
FUND - 104 ELKINS ROAD PSD FUND	\$ -	\$ -	\$ -	\$ -
FUND - 105 ADRIAN PSD WATERLINE PHASE VI FUND	\$ -	\$ -	\$ -	\$ -
Fund - 245 UPSHUR COUNTY WELLNESS COMPLEX FUND	\$ 4,760.00	\$ -	\$ -	\$ 4,760.00
FUND - 248 IND. PARK SEWER FUND	\$ -	\$ -	\$ -	\$ -
FUND - 311 DMV LICENSE FUND	\$ -	\$ 50,095.00	\$ -	\$ 50,095.00
FUND - 312 CRIMINAL CHARGES FUND	\$ 45.00	\$ 184.20	\$ (184.20)	\$ 45.00
FUND - 313 COURT REPORTER FUND	\$ -	\$ -	\$ -	\$ -
FUND - 314 STATE FINES FUND	\$ -	\$ 800.00	\$ (800.00)	\$ -
FUND - 315 STATE POLICE FUND	\$ 5.00	\$ 1,400.00	\$ (1,401.95)	\$ 3.05
FUND - 316 STATE CURRENT FUND	\$ -	\$ 6,942.48	\$ (6,942.48)	\$ -
FUND - 317 COURTHOUSE FACILITIES IMPROVEMENT FUND	\$ -	\$ -	\$ -	\$ -
FUND - 364 TAX LIEN FUND	\$ 154,097.63	\$ -	\$ -	\$ 154,097.63
FUND - 365 DELQ & NONENT LAND	\$ 100.00	\$ -	\$ -	\$ 100.00
FUND - 366 BOARD OF HEALTH FUND	\$ 160,410.39	\$ 8,176.98	\$ (40,116.25)	\$ 128,471.12
FUND - 369 WV DEPUTY SHERIFF'S RETIREMENT FUND	\$ 516.50	\$ 681.00	\$ (516.50)	\$ 681.00
FUND - 373 SCHOOL CURRENT FUND	\$ -	\$ 727,014.69	\$ (727,014.69)	\$ -
FUND - 374 SCHOOL EXCESS LEVY FUND	\$ -	\$ 369,549.31	\$ (369,549.31)	\$ -
FUND - 375 SCHOOL BOND FUND	\$ -	\$ -	\$ -	\$ -
FUND - 378 CITY CURRENT FUND	\$ -	\$ 81,591.84	\$ (81,591.84)	\$ -
FUND - 379 CITY VOTED LIBRARY FUND	\$ -	\$ 9,790.96	\$ (9,790.96)	\$ -
FUND - 206 COVID 19 FUND	\$ -	\$ -	\$ -	\$ -
FUND - 207 AMERICAN RECOVERY FUND	\$ 3,353,350.05	\$ 421.95	\$ (106,639.96)	\$ 3,247,132.04
FINAL TOTALS	\$ 12,115,883.18	\$ 2,956,922.73	\$ (2,977,108.18)	\$ 12,095,697.73
BALANCE IN COUNTY DEPOSITORIES AT END OF MONTH:	\$ 13,014,074.56	\$ -	\$ -	\$ -
ORDERS/DEBITS OUTSTANDING:	\$ (1,987,313.07)			
DEPOSITS/CREDITS OUTSTANDING:	\$ 1,067,186.24			
NET BANK BALANCE	\$ 12,093,947.73			
PETTY CASH / CASH DRAWERS	\$ 1,750.00			
CASH SPECIAL INVESTIGATION FUND	\$ -			
ADJUSTMENT	\$ -			
TOTAL IN COUNTY DEPOSITORIES AND OFFICE:	\$ 12,095,697.73			

I, J. Michael Coffman, Sheriff of Upshur County do solemnly swear that the foregoing is a true and correct statement to the best of my knowledge.


 J. Michael Coffman
 Sheriff & Treasurer, Upshur County

4/17/2023



Upshur County Sheriff's Financial Statement

For Period Ending: **April 3, 2023**

Bank Balance Listing

BANK NAME	ACCOUNT NAME	BANK BALANCE	OUTSTANDING CHECKS/DEBITS	OUTSTANDING DEPOSITS/CREDITS	BOOK BALANCE
CITIZENS BANK OF WEST VIRGINIA					
	GENERAL COUNTY FUND - IBCK	\$ 796,206.37	\$ -	\$ 584,276.71	\$ 1,380,483.08
	COAL SEVERANCE - IBCK	\$ 93,238.20	\$ -	\$ -	\$ 93,238.20
	E-911 - IBCK	\$ 1,382,114.53	\$ -	\$ 859.61	\$ 1,382,974.14
	CURRY PARK - IBCK	\$ 129,105.04	\$ -	\$ -	\$ 129,105.04
	CURRY LIBRARY - IBCK	\$ 15,478.26	\$ -	\$ 12.50	\$ 15,490.76
	ASSESSOR'S VALUATION - IBCK	\$ 308,799.57	\$ -	\$ 23,624.94	\$ 332,424.51
	UP. CO. FIN. STAB. FUND - IBCK	\$ 1,634,666.40	\$ -	\$ -	\$ 1,634,666.40
	CONCEALED WEAPONS - IBCK	\$ 31,683.52	\$ -	\$ 160.00	\$ 31,843.52
	GENERAL TAX - IBCK	\$ 1,536,256.05	\$ (1,746,959.23)	\$ 210,703.18	\$ -
	BOARD OF HEALTH FUND - IBCK	\$ 121,273.36	\$ (78.23)	\$ -	\$ 121,195.13
	OASIS CLEARING - CKNG	\$ -	\$ -	\$ -	\$ -
	UPSHUR CO. FIRE FEE - IBCK	\$ 19,430.39	\$ (60.00)	\$ 757.28	\$ 20,127.67
	UP CO COAL REALLOCATION - IBCK	\$ -	\$ -	\$ -	\$ -
	EMPLOYEE BENEFITS - IBCK	\$ 1,255,453.83	\$ -	\$ -	\$ 1,255,453.83
	SP LAW ENF INVESTIGATION - IBCK	\$ 2,489.85	\$ -	\$ -	\$ 2,489.85
	COMMUNITY CORRECTIONS - IBCK	\$ 1,825,395.75	\$ (1,032.00)	\$ -	\$ 1,824,363.75
	PARKS/REC CLEARING - CKNG	\$ 7,313.26	\$ (7,313.26)	\$ -	\$ -
	ADDRESSING/MAPPING CLEARING	\$ 45.00	\$ (45.00)	\$ -	\$ -
	TAX CLEARING - CKNG	\$ 204,566.70	\$ (207,794.76)	\$ 3,228.06	\$ -
	BOARD OF HEALTH PAYROLL - CKNG	\$ 6,503.74	\$ (1,503.75)	\$ -	\$ 4,999.99
	GENERAL COUNTY OPERATING - CKNG	\$ 51,116.31	\$ (16,337.76)	\$ -	\$ 34,778.55
	DOG & KENNEL - CKNG	\$ 81,809.58	\$ -	\$ -	\$ 81,809.58
	GENERAL COUNTY MISC - CKNG	\$ 26,865.39	\$ (21.62)	\$ -	\$ 26,843.77
	WORTHLESS CHECK - IBCK	\$ 121,259.29	\$ -	\$ -	\$ 121,259.29
	HOME CONFINEMENT - IBCK	\$ 27,232.74	\$ -	\$ -	\$ 27,232.74
	EE HEALTH CARE REIMB - IBCK	\$ 40,654.83	\$ (1,353.11)	\$ -	\$ 39,301.72
	VOTER'S REGISTRATION - IBCK	\$ 1,259.13	\$ -	\$ -	\$ 1,259.13
	JURY - CKNG	\$ 15,314.03	\$ (233.67)	\$ -	\$ 15,080.36
	CHILD EXCHG & VISITATION - CKNG	\$ 53,314.67	\$ -	\$ -	\$ 53,314.67
	SPAY & NEUTER - CKNG	\$ 51,236.89	\$ (439.90)	\$ 246.00	\$ 51,042.99
	ELKINS ROAD PSD - CKNG	\$ -	\$ -	\$ -	\$ -
	AMERICAN RECOVERY FUND - IBCK	\$ 3,247,132.04	\$ -	\$ -	\$ 3,247,132.04
	WELLNESS COMPLEX - CKNG	\$ 4,760.00	\$ -	\$ -	\$ 4,760.00
	DMV LICENSE - CKNG	\$ 50,063.50	\$ -	\$ 2,714.50	\$ 52,778.00
	STATE CLEARING - CKNG	\$ 45.00	\$ -	\$ -	\$ 45.00
	STATE POLICE - CKNG	\$ 1,423.05	\$ (1,400.00)	\$ 105.00	\$ 128.05
	TAX LEIN - CKNG	\$ 154,097.63	\$ -	\$ -	\$ 154,097.63
	DELQ & NON-ENTERED LAND - CKNG	\$ 100.00	\$ -	\$ -	\$ 100.00
	BOARD OF HEALTH OPERATING - CKNG	\$ 4,477.75	\$ (2,201.75)	\$ -	\$ 2,276.00
	WVDSRF - CKNG	\$ 501.00	\$ -	\$ 180.00	\$ 681.00
	BANK TOTAL	\$ 13,302,682.65	\$ (1,986,774.04)	\$ 826,867.78	\$ 12,142,776.39
SUMMARY:					
	TOTAL ALL BANKS	\$ 13,302,682.65	\$ (1,986,774.04)	\$ 826,867.78	\$ 12,142,776.39
	PETTY CASH / CASH DRAWERS				\$ 1,750.00
	CASH SPECIAL INVESTIGATION FUND				\$ -
	GRAND TOTAL				\$ 12,144,526.39




Upshur County Sheriff's Financial Statement

For Period Ending : April 3, 2023

FUND NAME	BEGINNING BALANCE	CURRENT MONTH COLLECTIONS	ORDERS ISSUED	BALANCE PER BOOKS
FUND - 001 GENERAL COUNTY FUND	\$ 1,371,509.97	\$ 45,501.66	\$ -	\$ 1,417,011.63
FUND - 002 COAL SEVERANCE TAX FUND	\$ 93,238.20	\$ -	\$ -	\$ 93,238.20
FUND - 003 DOG AND KENNEL FUND	\$ 81,764.58	\$ 45.00	\$ -	\$ 81,809.58
FUND - 004 GENERAL SCHOOL FUND	\$ 14,230.38	\$ -	\$ -	\$ 14,230.38
FUND - 005 MAGISTRATE COURT FUND	\$ 12,613.39	\$ -	\$ -	\$ 12,613.39
FUND - 006 WORTHLESS CHECK FUND	\$ 121,259.29	\$ -	\$ -	\$ 121,259.29
FUND - 007 E-911 FUND	\$ 1,382,114.53	\$ 859.61	\$ -	\$ 1,382,974.14
FUND - 008 HOME CONFINEMENT FUND	\$ 27,232.74	\$ -	\$ -	\$ 27,232.74
FUND - 013 CURRY PARK FUND	\$ 129,105.04	\$ -	\$ -	\$ 129,105.04
FUND - 015 CURRY LIBRARY FUND	\$ 15,478.26	\$ 12.50	\$ -	\$ 15,490.76
FUND - 018 AIRPORT CONSTRUCTION FUND	\$ -	\$ -	\$ -	\$ -
FUND - 019 UPSHUR COUNTY FIRE FEE FUND	\$ 19,172.67	\$ 955.00	\$ -	\$ 20,127.67
FUND - 021 EE HEALTH CARE REIMBURSEMENT FUND	\$ 40,654.83	\$ -	\$ 1353.11-	\$ 39,301.72
FUND - 039 COAL REALLOCATION FUND	\$ -	\$ -	\$ -	\$ -
FUND - 052 EMPLOYEE BENEFITS FUND	\$ 1,255,453.83	\$ -	\$ -	\$ 1,255,453.83
FUND - 056 ASSESSOR'S VALUATION FUND	\$ 332,424.51	\$ -	\$ -	\$ 332,424.51
FUND - 058 UP.CO.FIN.STBL.FUND	\$ 1,634,666.40	\$ -	\$ -	\$ 1,634,666.40
FUND - 059 CONCEALED WEAPONS FUND	\$ 31,843.52	\$ -	\$ -	\$ 31,843.52
FUND - 063 VOTER'S REGISTRATION FUND	\$ 1,259.13	\$ -	\$ -	\$ 1,259.13
FUND - 071 JURY FUND	\$ 15,080.36	\$ -	\$ -	\$ 15,080.36
FUND - 073 SPECIAL LAW ENFRMNT INVESTIGATION FUND	\$ 2,489.85	\$ -	\$ -	\$ 2,489.85
FUND - 078 CHILD EXCHANGE & VISITATION FUND	\$ 53,314.67	\$ -	\$ -	\$ 53,314.67
FUND - 079 SPAYING & NEUTERING FUND	\$ 51,042.99	\$ -	\$ -	\$ 51,042.99
FUND - 080 COMM. CORR. FUND	\$ 1,824,363.75	\$ -	\$ -	\$ 1,824,363.75
FUND - 102 AIRPORT IMP. PROJECT FUND	\$ -	\$ -	\$ -	\$ -
FUND - 104 ELKINS ROAD PSD FUND	\$ -	\$ -	\$ -	\$ -
FUND - 105 ADRIAN PSD WATERLINE PHASE VI FUND	\$ -	\$ -	\$ -	\$ -
Fund - 245 UPSHUR COUNTY WELLNESS COMPLEX FUND	\$ 4,760.00	\$ -	\$ -	\$ 4,760.00
FUND - 248 IND. PARK SEWER FUND	\$ -	\$ -	\$ -	\$ -
FUND - 311 DMV LICENSE FUND	\$ 50,095.00	\$ 2,683.00	\$ -	\$ 52,778.00
FUND - 312 CRIMINAL CHARGES FUND	\$ 45.00	\$ -	\$ -	\$ 45.00
FUND - 313 COURT REPORTER FUND	\$ -	\$ -	\$ -	\$ -
FUND - 314 STATE FINES FUND	\$ -	\$ -	\$ -	\$ -
FUND - 315 STATE POLICE FUND	\$ 3.05	\$ 125.00	\$ -	\$ 128.05
FUND - 316 STATE CURRENT FUND	\$ -	\$ -	\$ -	\$ -
FUND - 317 COURTHOUSE FACILITIES IMPROVEMENT FUND	\$ -	\$ -	\$ -	\$ -
FUND - 364 TAX LIEN FUND	\$ 154,097.63	\$ -	\$ -	\$ 154,097.63
FUND - 365 DELQ & NONENT LAND	\$ 100.00	\$ -	\$ -	\$ 100.00
FUND - 366 BOARD OF HEALTH FUND	\$ 128,471.12	\$ -	\$ -	\$ 128,471.12
FUND - 369 WV DEPUTY SHERIFF'S RETIREMENT FUND	\$ 681.00	\$ -	\$ -	\$ 681.00
FUND - 373 SCHOOL CURRENT FUND	\$ -	\$ -	\$ -	\$ -
FUND - 374 SCHOOL EXCESS LEVY FUND	\$ -	\$ -	\$ -	\$ -
FUND - 375 SCHOOL BOND FUND	\$ -	\$ -	\$ -	\$ -
FUND - 378 CITY CURRENT FUND	\$ -	\$ -	\$ -	\$ -
FUND - 379 CITY VOTED LIBRARY FUND	\$ -	\$ -	\$ -	\$ -
FUND - 206 COVID 19 FUND	\$ -	\$ -	\$ -	\$ -
FUND - 207 AMERICAN RECOVERY FUND	\$ 3,247,132.04	\$ -	\$ -	\$ 3,247,132.04
FINAL TOTALS	\$ 12,095,697.73	\$ 50,181.77	\$ -	\$ 12,144,526.39
BALANCE IN COUNTY DEPOSITORIES AT END OF MONTH:	\$ 13,302,682.65	\$ -	\$ -	\$ -
ORDERS/DEBITS OUTSTANDING:	\$ (1,986,774.04)			
DEPOSITS/CREDITS OUTSTANDING:	\$ 826,867.78			
NET BANK BALANCE	\$ 12,142,776.39			
PETTY CASH / CASH DRAWERS	\$ 1,750.00			
CASH SPECIAL INVESTIGATION FUND	\$ -			
ADJUSTMENT	\$ -			
TOTAL IN COUNTY DEPOSITORIES AND OFFICE:	\$ 12,144,526.39			

I, J. Michael Coffman, Sheriff of Upshur County do solemnly swear that the foregoing is a true and correct statement to the best of my knowledge.


J. Michael Coffman
Sheriff & Treasurer, Upshur County

4/17/2023

Tabatha

**UPSHUR COUNTY YOUTH CAMP BOARD
AGENDA
JANUARY 19, 2023**

Secretary's report for November 17, 2022
Corrected Financial Statement for October and
Financial statement for November and December, 2022

Old Business:

- 1 Tabitha has confirmed the Weyerhaeuser grant for \$10,000.00
- 2 _____ has been employed as a part time worker
at the camp
- 3 Status of the heating unit in the cabin on the hill
- 4 Other old business

New Business:

1. Discuss rates for meals and lodging for upcoming season
2. Discuss request to allow dogs/pets attend camp
3. We have received a second \$10,000.00 bridge grant fro Senators
Hamilton and Karnes
4. Reorganization of Board
5. Other New Business

Next meeting: February 16, 2023 at 6:30 pm. Place to be discussed

UPSHUR COUNTY YOUTH CAMP BOARD

AGENDA

March 16, 2023

Call to order

Secretary's report for January 19, 2023

Financial statement for January & February

Old Business:

1. Report on rules for allowing campers to bring dogs to camp with them
2. Money the county received for our van
3. How will we be able to spend the \$20,000 that Senators Hamilton and Karnes donated to the camp. Tabitha was check into the matter
4. Has Greg taken our tractor to Fetty's for a "check-up"
5. Other old business

New Business:

1. Bids from three (3) companies to re-roof the three cabins on the hill (Terrace, Gould and Maple)
2. Other new business

Greg's Comments:

Adjournment

Next meeting to be held on April 20, 2023 at 6:30 pm. Place to be decided.

**UPSHUR COUNTY YOUTH CAMP BOARD
FINANCIAL STATEMENT
February, 2023**

Beginning Balance **\$ 46,429.28**

Disbursements

02/01/23	3113	Adrian PSD	61.14
02/01/23	3114	Upshur Co. Comm	
		Reimburse Lykin's bill	687.70
02/01/23	3115	MSW	209.97
02/01/23	3116	Mon Power	528.11
02/08/23	3117	Wendling's	211.45
02/08/23	3118	Lowes	396.31
02/16/23	3119	Mountaineer Gas	943.43
02/21/23	3120	Mon Power	447.11*
02/24/23	3121	Frontier	114.61
02/22/23	3110	Fetty's	666.67

Total February Disbursements **\$ 4,266.50**

* Indicates outstanding check
3109, & 3111 have not been written

02/28/23 Ending Balance **\$ 42,162.78**

**Bear in mind \$10,000.00 is earmarked for bridge repair

Shanna Wark

***City Council of Buckhannon – 7:00 pm in Council Chambers
Meeting Agenda for Thursday, April 20, 2023***

Channel 3 is Live Streaming our City Council Meetings at <https://www.facebook.com/ch3buckhannon/>. Send public comments via email to buckhannon@buckhannonwv.org or drop them in the mail, or drop box behind City Hall.

Please join the meeting from your computer, tablet or smartphone <https://global.gotomeeting.com/join/804282709>
You can also dial in using your phone United States: [+1 \(872\) 240-3212](tel:+18722403212) Access Code: 804-282-709

- A. Call to Order**
 - A.1 Moment of Silence
 - A.2 Pledge to the Flag of the United States of America
- B. Recognized Guests**
 - B.1 Catherine Norko, Charles W. Gibson Public Library Director-Presentation Building Design Project
- C. Department & Board Reports**
 - C.1 Public Works Director- Jerry Arnold
 - C.2 Finance Director- Amberle Jenkins
 - C.3 Police Chief- Matthew Gregory
 - C.4 City Attorney- Tom O'Neill
- D. Correspondence & Information**
 - D.1 Notice from the State Auditor of West Virginia RE: Approval of the Levy Estimate (Budget) FY beginning July 1, 2023
 - D.2 FOIA Request from Dairyland Insurance RE: Lane & Carpenter BPD Records
 - D.3 Mills Group Project Schedule –Stockert Youth Center
- E. Consent Agenda**
 - E.1 Approval of Minutes -Regular Meeting 04/06/23, Special 03/30/23
 - E.2 Approval of Building and Wiring Permits
 - E.3 Approval of Payment of the Bills
- F. Strategic Issues for Discussion and/or Vote**
 - F.1 Recommendation from the Revenue Review Committee Regarding the Request from Premier Properties of WV LLC Hotel-Motel Tax Allocation
 - F.2 Approval Appointment of James Trivolette to the Television Cable Board
 - F.3 Reschedule City Council Meeting Date of May 18 for Tuesday, May 16, 2023 at 7pm due to conflict with the West Virginia Strawberry Festival Events
 - F.4 Recommendation from the CAC Board Agreement to Partnership with Local 501(c)(3) Organization to Accept Donations on behalf of the CAC
- G. Comments and Announcements**
 - G.1 Pamela Bucklew
 - G.2 David McCauley
 - G.3 Jack Reger
 - G.4 David Thomas
 - G.5 CJ Rylands
 - G.6 Randall Sanders
- H. Mayor's Comments and Announcements**
- I. Adjournment**

Posted 04/17/2023

Court Security Meeting

AGENDA

5/1/2023 – 1:00 pm

- I. Welcome/Roll Call
- II. Approval of previous meeting minutes from 1/19/2023.
- III. Report from Danny Sears, Court Security Supervisor
- IV. New Business
 - Discuss potential funding needs for Courthouse Security Grant currently open and due by May 10, 2023.

Priority List

 - a) 360-degree walk-through x-ray machine to replace existing equipment in main Courthouse foyer.
 - b) Tempered window film on main Courthouse and Annex doors
 - c) AI-phone system in Probation / Drug Court area
 - d) Other
 - Discuss recent active shooter training.
 - Discussion of E911 camera monitoring.
 - Discuss duress alarm message notifications. Example: telephone extension vs. room number
- V. Old Business

Courthouse Annex stairwell traffic. Maintenance will be installing “emergency exit only” signs on 2nd and 3rd floors.
- VI. Establish Date and Time for Next Meeting
- VII. Adjournment

James W. Curry Library
Advisory Board Meeting
MINUTES

October 21, 2022 at 10:00 am
At the James W. Curry Public Library

The October 21, 2022 meeting of the Advisory Board was called to order at 10:10am by Erv Lake, the Board President

Roll Call: Present: Erv Lake, Lori Ulderich Harvey, Patricia Tolliver, Tabatha Perry
Absent: Lewis "Tink" Simmons, Shanna Collins, Jim Crouse
Guests: Nate Kennedy
Staff: Judith Williams

Public Comment Period: None

The August 19, 2021 meeting minutes were approved on a motion made by Lori and seconded by Patricia. Motion carried.

Staff Reports

Park: Jonathan Freeman was not able to attend the meeting, but Judith reported that the sewer had been repaired and the bathrooms fixed.

Library: Judith Williams presented the Library report, noting usage was down. One camper check was refused by the bank, being outdate, after being held too long. Five others were recouped thanks to Sheila Adams. Judith reported a donation was made by Arch Coal. The Fire Department is running the Hay Ride this year. A Teens and Tweens Program is being tried.

Timber: Nate Kennedy reported that Spring 25 will be the next harvest.

Review/Report

Old Business:

Budget:

The budget situation was discussed by Tabatha Perry.

Septic repairs:

The needed repairs were made.

Bear Hunting:

The three community nuisance bears are still active. Special permits and selection were mentioned, but making any decisions on proceeding were postponed, pending more research as mentioned at the previous meeting.

Tractor trade-in:

Jonathan is handling this issue and was not present to report.

Fundraising revenue vs expenses:

Tabitha has set a \$2000 cap on fundraising.

Update on Fulton Financial Situation:

A review of the trust has been approved.

New Business:

Election of officers for 2023:

Patricia made a motion, nominating Lori for President, Tabatha seconded, motion carried.

Lori made a motion, nominating Patricia for Secretary, Tabatha seconded, motion carried.

Tabatha made a motion, nominating Lewis "Tink" Simmons for Vice President, Lori seconded, motion carried.

Erv Lake, outgoing President, presented the slate and the slate was elected by the board members.

Erv was thanked for his years of service to the Curry Library Board.

Upcoming capital project:

A request to place the capital project out to bid was approved for \$96,000.

Fundraising:

Halloween Hayride/Storytrail:

The date is October 29 and help is needed. The profit will be split between the library and the Fire Department.

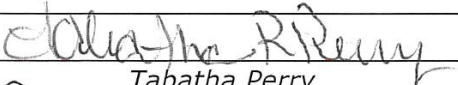
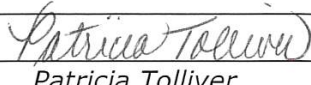
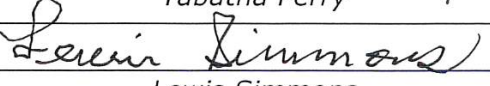
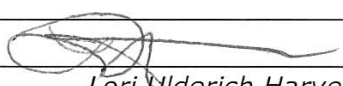
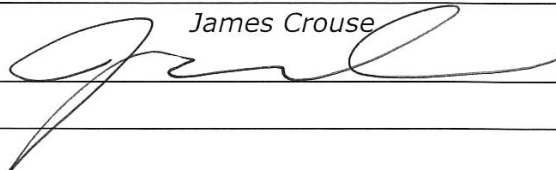
Festival of Lights:

Plans are moving along.

New Quilt Ideas:

It's time to start a new quilt and a theme is needed. Any suggestions should be made to Judith.

There being no further business meeting was adjourned at 11:20am.

	
Tabatha Perry	Patricia Tolliver
	
Lewis Simmons	Carrie Wallace
	
Lori Ulderich Harvey	James Crouse
	
Shanna Collins	



UPSHUR COUNTY YOUTH CAMP BOARD

January 19, 2023

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The Upshur County Youth Camp Board met in regular session on Thursday, January 19 in the WVU Extension Office. The meeting was called to order at 6:30 pm by Vice President Craig Presar. Board members present were Craig, Gini Croaff and Thanna Wentz. Camp manager Greg Woody also attended. Board Members Glen Hawkins and Debbie Hull were unable to attend.

The secretary's report for the November 17 meeting was approved as were the corrected October financial statement and November and December financial statements through motions made by Gini and seconded by Thanna.

Old Business:

1. Thanna presented an E-Mail from Tabatha confirming the Board's receiving a \$10,000.00 grant from Weyerhaeuser.
2. Dillon Booth has been employed as a part-time helper for Greg. He will work twenty (20) hours a week.
3. A new heating unit has been installed in Terrace cabin and repairs to heaters in the other two cabins have been done.

New Business:

1. Following considerable discussion, rates for food and lodging for the up coming camping season are as follows: Meals will be raised from \$ 6.50 to \$7.50 and lodging will increase from \$5.75 to \$6.00 nightly. This was made into a motion by Gini and seconded by Thanna and passed.
2. Greg said he has had questions regarding dogs coming to camp with their owners. We understand that some dogs are necessary, but Greg will ask Tabatha to seek legal advice as to where we can draw the line. Once Tabatha gets some answers for us, Greg will get back to the group.
3. The Board has been granted \$20,000.00 to help repair the bridge into the camp. However, now the State has agreed to repair the bridge and not charge the camp. Again, we will have to ask Tabatha, how we can use the money. Greg would like to be able

to use it to rebuild/repave the road into to camp. We will have to wait and see.

4. Election of officers was postponed until a time when all of the Board members can be present.
5. Somehow, the county mistakenly received a bill from Lykins and paid it. Thanna will have to reimburse the county.
6. Greg said Tabatha has made a suggestion that our Board and the Brooks Hill Library Board work together in purchasing a new tractor mower which could be used on both properties. Following much discussion of pros and cons, it was decided that that arrangement was not advantageous to either board.
7. Thanna will see if someone from the Superior Environmental company will be interested in submitting a bid to re-roof the three cabins on the hill. (Terrace, Gould and Maple)

There being no further business, the meeting was adjourned at 8:00 pm.
The next meeting will be held at the Extension Office on Thursday, February 16 at 6:30 pm.

Respectfully submitted,

Thanna West

Upshur County Fire Board Meeting February 8, 2023

Members Present: Joseph Gower, Larry Alkire, Sidney Huffman, Donna Matthews, Steven Linger, and Kristie Tenney

Members Absent: Rick Harlow

Others Present: Bill Green, Chief Warren District VFD; Wes Marsh, Quinton Golden, Larry Harvey, Donald Rice, Cody Cutright, and Evan Carpenter, members Warren District VFD; Bruce Tomblyn, Guest; and Toni Newman-Fire Fee Clerk

The meeting was called to order by Chairman Joe Gower at 6:30 pm. All motions passed unanimously unless otherwise stated.

The meeting minutes from January 12, 2022, were approved on motion by Donna Matthews and second by Sidney Huffman.

Chairman Joe Gower expressed the Board's appreciation to the Warren District VFD for hosting the meeting.

The Fire Fee Clerk reported the 2022 Fire Fees are at 86 percent collected. An overview of online payments was presented.

The checking account balance as of 1/31/2023 was \$108,976.22. The disbursement from the Chief Tax Deputy was \$8,016.44, for the month of January.

The following invoices were reviewed and approved upon motion by Larry Alkire and second by Sidney Huffman

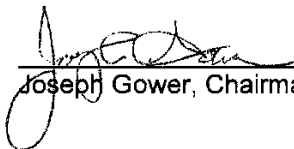
*Software Systems---monthly maintenance---Invoice # 37032---\$237.00

The Board approved the reissuance of the check to Software Systems for invoice # 35720 in the amount of \$211.00 on motion by Donna Matthews and second by Steve Linger.


On motion by Sydney Huffman and second by Larry Alkire the Board approved and the Chairman signed the WCoRP renewal checklist for submission.

The Board approved 6 exoneration tickets. There were no corrective tickets this month.

There being no further business, the meeting adjourned. The next meeting of the Board will be Tuesday, March 21, 2023, at the Upshur County Administrative Annex.



Joseph Gower, Chairman, Upshur County Fire Board



Kristie D. Tenney
Board Member

**Upshur County Fire Board Meeting
February 28, 2023**

Members Present: Rick Harlow, Larry Alkire, Sidney Huffman, Donna Matthews, Steven Linger, and Kristie Tenney

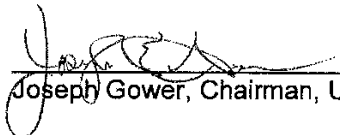
Members Absent: Joseph Gower

Others Present: Toni Newman-Fire Fee Clerk

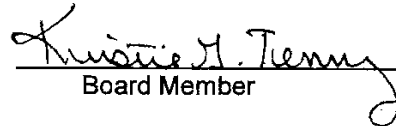
The meeting was called to order by Kristie Tenney at 6:30 pm. All motions passed unanimously unless otherwise stated.

After discussion and on motion by Steve Linger and Sidney Huffman the Board approved a disbursement in the amount of \$15,000.00 from the emergency reserve fund with the stipulation that the total amount will be withheld from future disbursements and/or direct payments and repaid in full by the end of the next fiscal year, June 30, 2024.

There being no further business, the meeting adjourned. The next meeting of the Board will be Tuesday, March 21, 2023, at the Upshur County Administrative Annex.



Joseph Gower, Chairman, Upshur County Fire Board



Kristie H. Tenney
Board Member