

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4971

**FISCAL
NOTE**

By Delegates G. Howell, Eldridge, Flanigan, Clay,
Statler, Willis, Heckert, Green, Fehrenbacher, Amos,
and Parsons

[Introduced January 29, 2026; referred to the
Committee on Energy and Public Works]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §24-2-1s, relating to high voltage transmission lines; and requiring that electric
3 substations be located near industrial parks for certain high voltage transmission lines.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1s. High voltage transmission lines and required substations near industrial parks.

1 (a) Legislative findings. – The Legislature finds that modern high voltage electric
2 transmission infrastructure is essential to electric reliability, grid resilience, and economic
3 development in the State of West Virginia. The Legislature further finds that the availability of
4 electric substations located near industrial parks is critical to attracting manufacturing, data
5 centers, advanced materials facilities, and other large electric load users that create high paying
6 jobs and expand the tax base. It is the intent of the Legislature that new high voltage transmission
7 lines provide direct and measurable economic development benefits to the communities through
8 which they pass and are not routed in a manner that circumvents these objectives.

9 (b) Applicability. – This section applies to any electric transmission line proposed for
10 construction within the State of West Virginia that:

11 (1) Has a designed operating voltage of 400 kilovolts or greater; and

12 (2) Requires approval by the Public Service Commission of West Virginia prior to
13 construction.

14 (c) Required substation condition. – As a condition of approval by the Public Service
15 Commission, any electric transmission line meeting the criteria set forth in subsection (b) of this
16 section that passes within five miles of an industrial park shall be required to include the
17 construction of an electric substation located as near as practicable to that industrial park, subject
18 to the limitations and exemptions set forth in this section.

19 (d) Limitation on number of required substations. – Not more than one substation may be
20 required for each 40 mile length of transmission line located within the borders of the State of West

Virginia, regardless of the number of industrial parks located within that 40 mile segment.

Only substations physically located within the State of West Virginia may be counted toward satisfaction of this subsection. Substations located outside the borders of West Virginia shall not be counted for purposes of compliance with this section.

(e) Selection of substation location within a 40 mile segment. – If more than one industrial park is located within a 40 mile segment of transmission line that would otherwise trigger a substation requirement under this section, the transmission line owner shall submit proposed substation locations for consideration by the Public Service Commission.

The Public Service Commission shall evaluate the proposed locations and shall select the location that, based on the record, is reasonably expected to produce the greatest positive economic impact to the State of West Virginia. In making this determination, the commission may consider factors including projected job creation, capital investment, tax base expansion, and alignment with state and regional economic development plans.

(f) Border to border segment exemption. – If the total length of a transmission line located within the borders of the State of West Virginia is less than 20 miles from border to border, no substation shall be required under this section.

(g) Timing of construction. – A substation required under this section is not required to be constructed concurrently with the transmission line. However, each required substation shall be completed and placed into service no later than two calendar years following the date the transmission line is energized and placed into commercial operation.

(h) Alternative substation location. – The owner of the transmission line may request approval from the Public Service Commission to locate a required substation at an alternative site if the owner demonstrates, through documented and verifiable evidence, that:

(1) A known and identifiable industrial user or industrial development project is planned within five miles of the transmission line;

(2) The industrial user or development is reasonably expected to be constructed and

operational within two calendar years of the transmission line being energized; and

(3) The alternative location will better serve the anticipated industrial load and the public interest.

The Public Service Commission may approve an alternative location only upon an express finding supported by substantial evidence.

(i) *Anti avoidance; routing review.* – The Public Service Commission shall not approve a transmission line route that has the purpose or effect of avoiding the requirements of this section. In evaluating a proposed route, the commission shall consider whether reasonable, technically feasible, and economically comparable alternative routes exist that would place the transmission line within five miles of an existing or planned industrial park.

A route shall be deemed to have the effect of avoiding this section if it bypasses an industrial park by a marginal distance where a reasonable alternative route exists that would place the transmission line within five miles of the industrial park.

(j) *Definition of industrial park.* – For purposes of this section, "industrial park" means a site that is:

(1) Currently developed or partially developed for industrial or commercial use; or

(2) Formally designated, zoned, or identified for current or future industrial or commercial development by a county commission, municipality, regional development authority, or the West Virginia Department of Economic Development.

(k) *Required commission findings.* – In any order approving a transmission line subject to this section, the Public Service Commission shall make explicit findings on the record addressing:

(1) The proximity of the proposed route to existing or planned industrial parks;

(2) Whether reasonable alternative routes exist that would place the line within five miles of an industrial park;

(3) Whether the proposed route has the purpose or effect of avoiding the requirements of this section; and

- 73 (4) Whether the conditions of this section have been satisfied.
- 74 (l) *Cost recovery*. – Nothing in this section prohibits the Public Service Commission from
- 75 allowing reasonable and prudent costs associated with a required substation to be recovered in
- 76 accordance with applicable law.
- 77 (m) *Rulemaking authority*. – The Public Service Commission may promulgate rules
- 78 necessary to implement and administer this section.

NOTE: The purpose of this bill is to require electric substations be located near industrial parks for certain high voltage transmission lines.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.