

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1962



ENROLLED

HOUSE BILL No. *30*.....

(By Mr. *Speaker, Mr. Singleton*)



PASSED *February 7,* 1962

In Effect *Ninety Days from* Passage



Filed in Office of the Secretary of State
of West Virginia *2-15-62*

JOE F. BURDETT
SECRETARY OF STATE

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ENROLLED

House Bill No. 30

(By MR. SPEAKER, MR. SINGLETON)

[Passed February 7, 1962; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and five, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the jurisdiction of the public service commission generally and extending its jurisdiction to and supervisory authority over any utility engaged in the transportation of coal and its derivatives and all mixtures and combinations thereof with any substance by pipe lines.

Be it enacted by the Legislature of West Virginia:

That sections one and five, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. Jurisdiction of Commission.—The jurisdiction of the commission shall extend to all public utilities

3 in this state, and shall include any utility engaged in
4 any of the following public services:

5 Common carriage of passengers or goods, whether by
6 railroad, street railroad, motor or otherwise, by express
7 or otherwise, by land, water or air, whether wholly or
8 partly by land, water or air; transportation of oil, gas or
9 water by pipe line; transportation of coal and its deriva-
10 tives and all mixtures and combinations thereof with
11 other substances by pipe line; sleeping car or parlor car
12 services; transmission of messages by telephone, tele-
13 graph or radio; generation and transmission of electrical
14 energy by hydroelectric or other utilities for service to
15 the public, whether directly or through a distributing
16 utility; supplying water, gas or electricity, by municipali-
17 ties or others; sewer systems servicing twenty-five
18 ^{or} more persons or firms other than the owner of the sewer
19 systems; toll bridges, wharves, ferries; and any other
20 public service.

**Sec. 5. Supervision of Public Utilities Licensed by Mu-
2 nicipalities, County Courts or Otherwise; Right to Enter
3 Premises, Inspect and Correct Meters.—The commission**

4 shall have general supervision of all public utilities hav-
5 ing authority under any charter or franchise of any city,
6 town or municipality, county court, or tribunal in lieu
7 thereof, or otherwise, to lay down and maintain wires,
8 pipes, conduits, ducts or other fixtures in, over or under
9 streets, highways or public places for the purpose of
10 furnishing and distributing gas, or for furnishing and
11 transmitting electricity for light, heat or power, or main-
12 taining underground conduits, or ducts for electrical
13 conductors, or for telegraph or telephone purposes, and
14 for the purpose of furnishing water, either for domestic
15 or power purposes, and shall have general supervision
16 of oil and gas pipe lines, and shall have general super-
17 vision over any utility engaged in the transportation of
18 coal and its derivatives and all mixtures and combinations
19 thereof with any substance by pipe lines.

20 The commission may ascertain the quantity of water,
21 or the quality and quantity of gas or electricity supplied
22 by such utilities and examine the methods employed,
23 and shall have power to order such improvements as will
24 best promote the public interests.

25 The commission shall have power, through its mem-
26 bers, inspectors, or employees to enter in, upon and to
27 inspect the property, buildings, plants, fixtures, power
28 houses and offices of any such utilities or municipalities,
29 and shall have power to examine the books and affairs
30 to be investigated by it. The commission shall, when
31 and as necessary, appoint inspectors of gas, electric and
32 water meters. And, when such inspectors are required
33 to act, it shall be their duty to inspect, examine, prove
34 and ascertain the accuracy of any gas, electric, or water
35 meters used or intended to be used for measuring or
36 ascertaining the quantity of gas, electricity or water
37 furnished to, by or for the use of any person, firm or
38 corporation, and, when found to be correct, or made cor-
39 rect, the inspector shall stamp or mark each of such
40 meters with some suitable device, which device shall be
41 recorded in the office of the commission. No public
42 utility shall furnish or put in use any gas electric or
43 water meter which shall not have been inspected, proved
44 and stamped or marked by an inspector of the commis-
45 sion: *Provided*, That in cases of emergency, gas, electric

46 or water meters may be installed and used before being
47 inspected, but notice thereof shall be immediately given
48 to the public service commission by the public utility
49 installing the same, and such meters shall be inspected,
50 proved and stamped or marked, as soon thereafter as
51 practicable. Every gas, electric and water utility shall
52 provide and keep in and upon its premises suitable and
53 proper apparatus, to be approved and stamped or marked
54 by the commission, for testing and proving the accuracy
55 of gas, electric and water meters furnished for use by it
56 and by which apparatus every meter may and shall be
57 tested on the written request of the consumer to whom
58 the same shall be furnished, and in his presence if he
59 so desires.

60 If any person, firm or corporation to or by whom a
61 meter has been furnished shall request the commission
62 in writing to inspect such meter, the commission shall
63 have the same inspected and tested. If the same on being
64 tested shall be found to be two per cent from being cor-
65 rect, or shall be found to be to the prejudice of the user,
66 the inspector shall order the owner of such meter forth-

67 with to remove the same and to place instead thereof
68 a correct meter. The expense of such inspecting and test-
69 ing shall be borne by the owner if such meter be found
70 to be incorrect by two per cent or more. If the meter, on
71 being so tested, shall be found to be correct, or within
72 two per cent of being correct, the expense of such in-
73 spection and testing shall be borne by the user. A uni-
74 form charge and rule shall be fixed by the commission
75 for this service: *Provided*, That nothing in this chapter
76 shall prevent the commission from changing and modify-
77 ing the method of inspecting meters and adopting such
78 rules and regulations therefor as to the commission may
79 seem just and proper.

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

House Davis, J. W.
Chairman Senate Committee

Mrs. W. W. Wickrow
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Norman Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Harvard W. Carson
President of the Senate

Julius W. Singleton Jr
Speaker of the House of Delegates

The within approved this the Fifteenth
day of February, 1962.

W. W. Baurin
Governor

