

SB 745

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

SENATE BILL NO. 745

(By Senator WOOTON, ET AL)



PASSED MARCH 12, 1998

In Effect NINETY DAYS FROM Passage

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SECRETARY OF STATE

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Senate Bill No. 745

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR,
HUNTER, KESSLER, OLIVERIO, ROSS, SCHOONOVER,
SNYDER, WHITE, BUCKALEW AND KIMBLE)

[Passed March 12, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers and duties of the public service commission to regulate public utilities; and authorizing the commission to require public utilities to charge emergency shelter providers the lowest rates available.

Be it enacted by the Legislature of West Virginia:

That section two, 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:

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.**§24-2-2. General power of commission to regulate public utilities.**

1 (a) The commission is hereby given power to investigate
2 all rates, methods and practices of public utilities subject
3 to the provisions of this chapter; to require them to
4 conform to the laws of this state and to all rules, regula-
5 tions and orders of the commission not contrary to law;
6 and to require copies of all reports, rates, classifications,
7 schedules and timetables in effect and used by the public
8 utility or other person, to be filed with the commission,
9 and all other information desired by the commission
10 relating to the investigation and requirements, including
11 inventories of all property in such form and detail as the
12 commission may prescribe. The commission may compel
13 obedience to its lawful orders by mandamus or injunction
14 or other proper proceedings in the name of the state in any
15 circuit court having jurisdiction of the parties or of the
16 subject matter, or the supreme court of appeals direct, and
17 the proceedings shall have priority over all pending cases.
18 The commission may change any intrastate rate, charge or
19 toll which is unjust or unreasonable or any interstate
20 charge with respect to matters of a purely local nature
21 which have not been regulated by or pursuant to an act of
22 Congress and may prescribe a rate, charge or toll that is
23 just and reasonable, and change or prohibit any practice,
24 device or method of service in order to prevent undue
25 discrimination or favoritism between persons and between
26 localities and between commodities for a like and contem-
27 poraneous service. But in no case shall the rate, toll or
28 charge be more than the service is reasonably worth,
29 considering the cost of the service. Every order entered by
30 the commission shall continue in force until the expiration
31 of the time, if any, named by the commission in the order,
32 or until revoked or modified by the commission, unless the
33 order is suspended, modified or revoked by order or decree
34 of a court of competent jurisdiction: *Provided*, That in the

35 case of utilities used by emergency shelter providers, the
36 commission shall prescribe such rates, charges or tolls that
37 are the lowest available. "Emergency shelter provider"
38 means any nonprofit entity which provides temporary
39 emergency housing and services to the homeless or to
40 victims of domestic violence or other abuse.

41 (b) Notwithstanding any other provision of this code to
42 the contrary, rates are not discriminatory if, when consid-
43 ering the debt costs associated with a future water or
44 sewer project which would not benefit existing customers,
45 the commission establishes rates which ensure that the
46 future customers to be served by the new project are solely
47 responsible for the debt costs associated with the project.

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

Kandy Schoorover
.....
Chairman Senate Committee.

Neil Tentasca
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage

Darrell B. White
.....
Clerk of the Senate

Bryony M. Burt
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *24th*
March
day of, 1998

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/20/98

Time

10:45 am