WEST VIRGINIA CODE: §24-2-20

§24-2-20. Direct use of natural gas.

(a) The Legislature hereby finds that:

(1) Consumers of natural gas with an annual gas usage of at least 100 million cubic feet are sophisticated users of natural gas capable of choosing their source of natural gas supply;

(2) The Federal Energy Regulatory Commission has approved bypass of local utilities and permitted construction of interstate pipeline facilities to serve end use customers;

(3) The production and use of West Virginia natural gas in West Virginia will provide jobs for West Virginians, generate additional income and property taxes for our governments and our law and regulations should not impede use of West Virginia gas in West Virginia;

(4) The ability of large natural gas users to choose among gas suppliers without regulatory supervision will save economic resources, foster competition in this state, and may induce new businesses to locate in West Virginia and employ West Virginians; and

(5) Commission approval of natural gas service is unnecessary for consumers of natural gas with an annual gas usage of at least 100 million cubic feet.

(b) Notwithstanding any other provision of this code to the contrary, any person, entity, or a facility that has not previously been a natural gas utility customer and has a projected annual natural gas usage in West Virginia of at least 100 million cubic feet annually may receive natural gas service from any person, corporation, limited liability company, or other entity without the permission, consent, review, or input of the commission if the using person or entity notifies the utility providing natural gas service in the area of use of its intent to receive service from a nonutility and certifies to the commission that: (i) The utility has been notified; (ii) its projected annual gas usage will be at least 100 million cubic feet per year; (iii) it desires to receive natural gas from a supplier other than a public utility; (iv) it will receive natural gas produced in West Virginia; and (v) the name and West Virginia tax identification number of the supplier or suppliers are identified in the certification: *Provided*, That the natural gas provider bills the customer and the customer pays for at least 100 million cubic feet during each full calendar year after the utility has been notified, except in the event one or both of the contracting parties experiences a force majeure event or a condition beyond their reasonable control.

(c) Notwithstanding any other provision of this code to the contrary, no person, corporation, limited liability company, or other entity shall be or become a public utility, intrastate pipeline, common carrier, or otherwise subject to the jurisdiction of the commission from or in connection with purchasing, using, selling, giving, buying, providing, transporting to or from, or otherwise supplying or using natural gas pursuant to subsection (b) of this section:

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Provided, That this subsection shall not prevent or impede the commission's safety regulation of natural gas pipelines pursuant to chapter 24B of this code.

(d) If a utility has an obligation to offer or provide service to an end user who elects its own supply pursuant to this section, the obligation shall terminate upon the commission's receipt of a certification provided by this section.

WV Legislature