WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1953

ENROLLED

HOUSE BILL No. 233

(By Mr. Snyder)

PASSED March 10, 1953

In Effect Ninety days from Passage
ENROLLED

House Bill No. 233
(By Mr. Snyder)

[Passed March 12, 1953; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article one; section four, article two and section six, article three, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, so as to authorize the public service commission to appoint its employees to hold hearings, take evidence, administer oaths, subpoena witnesses and to have such other powers and perform such other duties as the commission may require; to authorize the public service commission to suspend any proposed change in rates or charges under certain conditions for a period of one hundred twenty days, and providing for the posting of appropriate bond to secure refunds should such schedule be put into effect upon expiration of such period of suspension and to increase the amount of certain special license fees and to provide for the use thereof.
Be it enacted by the Legislature of West Virginia:

That section three, article one; section four, article two, and section six, article three, 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 1.**

Section 3. **Secretary and Other Employees; Compensation; Duties.**—The commission shall appoint a secretary and such other employees as may be necessary to carry out the provisions of this chapter, and shall fix their respective salaries or compensations. Such secretary and other employees shall hold office during the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all proceedings, acts, orders and judgments of the commission, to issue all necessary process, returns and notices, to keep all books, maps, documents and papers ordered filed by the commission, and all orders made by the commission or approved and confirmed by it and ordered to be filed; and he shall be responsible to the commission for the safe custody and preservation of all such documents in his
office. He may administer oaths in all parts of the state, so far as the exercise of such power is properly incidental to the performance of his duty or that of the commission. The commission may designate such of its employees as it deems necessary to hold hearings, held or required by this chapter, and to take evidence at such hearings, which employees are hereby empowered to subpoena witnesses, administer oaths, take testimony, require the production of documentary evidence and exercise such other powers and perform such other duties as may be delegated to them and required by the commission, in any proceeding or examination instituted or conducted by the commission under this chapter, at any designated place of hearing within the state.

Article 2.

Section 4. Procedure for Changing Rates.—No public utility subject to this chapter shall change, suspend or annul any rate, joint rate, charge, rental or classification except after thirty days' notice to the commission and the public, which notice shall plainly state the changes proposed to be made in the schedule then in force and
the time when the changed rates or charges shall go
into effect. But the commission may enter an order
suspending the proposed rate as hereinafter provided.
The proposed changes shall be shown by printing new
schedules, or shall be plainly indicated upon the schedules
in force at the time, and kept open to public inspection:
Provided, however, That the commission may, in its
discretion, and for good cause shown, allow changes upon
less time than the notice herein specified, or may modify
the requirements of this section in respect to publishing,
posting and filing of tariffs, either by particular instruc-
tions or by general order.
Whenever there shall be filed with the commission any
schedule stating a change in the rates or charges, or
joint rates or charges, or stating a new individual or
joint rate or charge or joint classification or any new
individual or joint regulation or practice affecting any
rate or charge, the commission shall have authority,
either upon complaint or upon its own initiative without
complaint, to enter upon a hearing concerning the pro-
priety of such rate, charge, classification, regulation or
practice; and, if the commission so orders, it may proceed
without answer or other form of pleading by the interested parties, but upon reasonable notice, and pending
such hearing and the decision thereon the commission
upon filing with such schedule and delivering to the
public utility affected thereby a statement in writing of
its reasons for such suspension, may suspend the opera-
tion of such schedule and defer the use of such rate,
charge, classification, regulation, or practice, but not for
a longer period than one hundred and twenty days
beyond the time when such rate, charge, classification,
regulation or practice would otherwise go into effect;
and after full hearing, whether completed before or
after the rate, charge, classification, regulation or prac-
tice goes into effect, the commission may make such
order in reference to such rate, charge, classification,
regulation or practice as would be proper in a proceed-
ing initiated after the rate, charge, classification, regula-
tion or practice had become effective: Provided, That
if any such hearing and decision thereon cannot be con-
cluded within the period of suspension, as above stated,
such rate, charge, classification, regulation or practice shall go into effect at the end of such period. In such case the commission may require such public utility to enter into a bond in an amount deemed by the commission to be reasonable and conditioned for the refund to the persons or parties entitled thereto of the amount of the excess, plus interest at the rate of six per cent per annum, if such rates so put into effect are subsequently determined to be higher than those finally fixed for such utility. No such accrued interest paid shall be deemed part of the cost of doing business in a subsequent application for changing rates or any decision thereon. At any hearing involving a rate sought to be increased or involving the change of any fare, charge, classification, regulation or practice, the burden of proof to show that the increased rate or proposed increased rate, or the proposed change of fare, charge, classification, regulation or practice is just and reasonable shall be upon the public utility making application for such change. When in any case pending before the commission all evidence shall have been taken, and the hearing completed, the commission
shall, within three months, render a decision in such case.

Where more than twenty members of the public are affected by a proposed change in rates, it shall be a sufficient notice to the public within the meaning of this section if such notice is published once a week for four consecutive weeks in some newspaper of general circulation in the community where the majority of the resident members of the public affected by such change reside, or, in case of nonresidents, have their principal place of business within this state.

Article 3.

Section 6. Special License Fee.—(a) All public utilities subject to the provisions of this chapter shall pay a special license fee in addition to those now required by law. The amount of such fees shall be fixed by the auditor and levied by him upon each of such public utilities according to the value of its property as ascertained by the last assessment, and shall be apportioned among such public utilities upon the basis of such valuation, so as to produce a revenue of one hundred thousand dollars per annum, which fees shall be paid on or before
the twentieth day of January in each year. Such sum of
one hundred thousand dollars, together with that pro-
vided in sub-section (b) hereof shall be paid into the
state treasury and kept as a special fund, designated
“Public Service Commission Fund”, to be appropriated
as provided by law for the purpose of paying the salaries
of the commission, as fixed by this chapter, its expenses
and salaries, compensations, costs and expenses of its
employees.

(b) All public utilities subject to the provisions of
this chapter shall pay a special license fee in addition
to any and all fees now required by law. The amount
of such fees shall be fixed by the auditor and levied by
him upon each of such public utilities, in the proportion
which the total gross revenue derived from intra-state
business done by each of such public utilities in the
calendar year next preceding bears to the total gross
revenue derived from intra state business done in such
year by all public utilities subject to regulation by the
public service commission, so as to produce a revenue of
two hundred thousand dollars per annum, in addition
to such fees as may be fixed by the auditor under the
provisions of subsection (a) hereof and which fees shall
be paid on or before the first day of July in each year.
Such sum of two hundred thousand dollars shall be
paid into the state treasury and be kept, appropriated
and used as provided in subsection (a) hereof.
(c) Any balance remaining in said fund at the end
of any fiscal year shall not revert to the treasury but
shall be credited by the auditor upon the amounts to be
raised for the next fiscal year, under sub-section (a)
and (b), on the same basis and in the same proportion
as said fund was raised under said subsections.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect [initials]

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within [initials] this the [date]

day of [month], 1953.

[Signature]
Governor

Filed in the Office of the Secretary of State [date]

0 Pitt O'Brien, State