

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 161

(By Mr. *Seamon*)



PASSED *April 9,* 1977

In Effect *ninety days from* Passage  


**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**Senate Bill No. 161**

(By MR. SUSMAN)

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[Passed April 9, 1977; in effect ninety days from passage.]

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AN ACT to amend and reenact section three, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the general power of the public service commission with respect to rates; electric power generated with fuels other than coal or water.

*Be it enacted by the Legislature of West Virginia:*

That section three, 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.**

**§24-2-3. General power of commission with respect to rates.**

1 The commission shall have power to enforce, originate,  
2 establish, change and promulgate tariffs, rates, joint rates,  
3 tolls and schedules for all public utilities except carriers  
4 by vehicles over streets and roads, including municipali-  
5 ties supplying gas, electricity or water. And whenever  
6 the commission shall, after hearing, find any existing  
7 rates, tolls, tariffs, joint rates or schedules unjust, un-  
8 reasonable, insufficient or unjustly discriminatory or  
9 otherwise in violation of any of the provisions of this  
10 chapter, the commission shall by an order fix reasonable  
11 rates, joint rates, tariffs, tolls or schedules to be followed  
12 in the future in lieu of those found to be unjust, unrea-

13 sonable, insufficient or unjustly discriminatory or other-  
14 wise in violation of any provisions of law, and the said  
15 commission, in fixing the rate of any railroad company,  
16 may fix a fair, reasonable and just rate to be charged on  
17 any branch line thereof, independent of the rate charged  
18 on the main line of such railroad.

19 Any filing for electric power rates made by any utility  
20 under the provisions of this article wherein the construc-  
21 tion cost of a new power generating plant is a factor shall  
22 not be approved unless it be shown to the commission  
23 that the construction cost of such power plant is no  
24 greater than if such power plant were a power plant  
25 utilizing coal as a prime power source: *Provided*, That  
26 nothing in this paragraph shall require the commission  
27 to deny a filing for electric power rates because of the  
28 construction cost of a power generating plant located out-  
29 side of this state.

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

James L. Davis  
Chairman Senate Committee

Charles L. Chustar Jr.  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. C. Dillon, Jr.  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

J. C. Dillon, Jr.  
President of the Senate

Donald L. Kopp  
Speaker House of Delegates

The within is disapproved this the 26  
day of April, 1977.

(John) R. Rhyll  
Governor



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OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date\_\_\_\_\_

Time\_\_\_\_\_

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OFFICE  
SECY. OF STATE