WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

ENROLLED
Committee Substitute for
SENATE BILL NO. 161

(By Mr.)

PASSED April 9, 1977

In Effect ninety days from Passage
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.

The commission shall have power to enforce, originate, establish, change and promulgate tariffs, rates, joint rates, tolls and schedules for all public utilities except carriers by vehicles over streets and roads, including municipalities supplying gas, electricity or water. And whenever the commission shall, after hearing, find any existing rates, tolls, tariffs, joint rates or schedules unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any of the provisions of this chapter, the commission shall by an order fix reasonable rates, joint rates, tariffs, tolls or schedules to be followed in the future in lieu of those found to be unjust, unrea-
sonable, insufficient or unjustly discriminatory or otherwise in violation of any provisions of law, and the said commission, in fixing the rate of any railroad company, may fix a fair, reasonable and just rate to be charged on any branch line thereof, independent of the rate charged on the main line of such railroad.

Any filing for electric power rates made by any utility under the provisions of this article wherein the construction cost of a new power generating plant is a factor shall not be approved unless it be shown to the commission that the construction cost of such power plant is no greater than if such power plant were a power plant utilizing coal as a prime power source: Provided, That nothing in this paragraph shall require the commission to deny a filing for electric power rates because of the construction cost of a power generating plant located outside of this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Clarence L. Chestnut  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J.William Jr.  
Clerk of the Senate

C.A. Blankenship  
Clerk of the House of Delegates

H.L. Brinkley Jr.  
President of the Senate

Donald L. Kopp  
Speaker House of Delegates

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

John H. Rhoades  
Governor