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**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1977**

—•—  
**ENROLLED**

**SENATE BILL NO. 495**

(By Mr. Palumbo)

—•—  
PASSED March 25, 1977

In Effect ninty days from Passage  


**ENROLLED**  
**Senate Bill No. 495**  
(By MR. PALUMBO)

[Passed March 25, 1977; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to waiver of the jurisdiction of the public service commission to permit certain areas to be served by out-of-state utilities.

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

That section one, 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.**

**§24-2-1. Jurisdiction of commission.**

- 1 The jurisdiction of the commission shall extend to all
- 2 public utilities in this state, and shall include any utility
- 3 engaged in any of the following public services:
- 4 Common carriage of passengers or goods, whether by air,
- 5 railroad, street railroad, motor or otherwise, by express
- 6 or otherwise, by land, water or air, whether wholly or
- 7 partly by land, water or air; mass transit authorities;
- 8 transportation of oil, gas or water by pipeline; transporta-
- 9 tion of coal and its derivatives and all mixtures and com-
- 10 binations thereof with other substances by pipeline; sleep-
- 11 ing car or parlor car services; transmission of messages
- 12 by telephone, telegraph or radio; generation and trans-
- 13 mission of electrical energy by hydroelectric or other
- 14 utilities for service to the public, whether directly or
- 15 through a distributing utility; supplying water, gas or
- 16 electricity, by municipalities or others; sewer systems

17 servicing twenty-five or more persons or firms other than  
18 the owner of the sewer systems; any public service dis-  
19 trict created under the provisions of article thirteen-a,  
20 chapter sixteen of this code; toll bridges, wharves, ferries;  
21 and any other public service.

22 The commission may, upon application, waive its juris-  
23 diction and allow a utility operating in an adjoining  
24 state to provide service in West Virginia when:

25 (1) An area of West Virginia cannot be practicably  
26 and economically served by a utility licensed to operate  
27 within the state of West Virginia;

28 (2) Said area can be provided with utility service  
29 by a utility which operates in a state adjoining West  
30 Virginia;

31 (3) The utility operating in the adjoining state is  
32 regulated by a regulatory agency or commission of the  
33 adjoining state; and

34 (4) The number of customers to be served is not sub-  
35 stantial.

36 The rates the out-of-state utility charges West Virginia  
37 customers shall be the same as the rate the utility is  
38 duly authorized to charge in the adjoining jurisdiction.

39 The commission, in the case of any such utility, may  
40 revoke its waiver of jurisdiction for good cause.

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

James L. Davis  
Chairman Senate Committee

Florence C. Churchman  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. C. Sullivan  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Bratherton Jr.  
President of the Senate

Donald L. Doss  
Speaker House of Delegates

The within is approved this the 1

day of April, 1977.

John R. Rhyne  
Governor



APPROVED AND SIGNED BY THE GOVERNOR

Date April 1, 1977

Time 9:15 A.M.

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