WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

ENROLLED

SENATE BILL NO. 495

(By Mr. ___)

PASSED March 25, 1977

In Effect ninety days from Passage
ENROLLED
Senate Bill No. 495
(By Mr. Palumbo)

[Passed March 26, 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 public utilities in this state, and shall include any utility engaged in any of the following public services:
2 Common carriage of passengers or goods, whether by air, railroad, street railroad, motor or otherwise, by express or otherwise, by land, water or air, whether wholly or partly by land, water or air; mass transit authorities;
3 transportation of oil, gas or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car services; transmission of messages by telephone, telegraph or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas or electricity, by municipalities or others; sewer systems
servicing twenty-five or more persons or firms other than
the owner of the sewer systems; any public service dis-
trict created under the provisions of article thirteen-a,
chapter sixteen of this code; toll bridges, wharves, ferries;
and any other public service.

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

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

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

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

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

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

The commission, in the case of any such utility, may
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

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. William  
Clerk of the Senate

C.A. Blankenship  
Clerk of the House of Delegates

W. T. Battle  
President of the Senate

Donald L. Helphrey  
Speaker House of Delegates

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

John R. Reynolds  
Governor