

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-20-81

Time 10:00 A.M.

No: 749
b7L:0U

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

Comm. Sub. for
HOUSE BILL No. 749

(By Mr. Brenda)



Passed March 10, 1981

In Effect From Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 749

(By MR. BRENDA)

[Passed March 10, 1981; in effect from passage.]

AN ACT to amend article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-b, relating to the regulation of public utilities by the public service commission; transitional suspension of schedules and deferring the use of rates, charges, classifications, regulations or practices; legislative findings and procedure.

Be it enacted by the Legislature of West Virginia:

That article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-b, to read as follows:

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-3b. Transitional suspension of schedule; legislative findings; procedure.

1 The Legislature finds that in anticipation of the operative
2 date of the provisions of section four-a of this article, certain
3 regulated utilities have presented to the public service com-
4 mission a large number of proceedings pursuant to section

5 four of this article. In the public interest, the commission
6 should be granted sufficient authority to make disposition of
7 those cases in an orderly and just manner, consistent with the
8 duties of the commission requiring conversion of its proce-
9 dure from that provided in section four of this article to that
10 provided in section four-a. In view of the increased demands
11 upon the commission, it is in the public interest to grant to
12 the public service commission additional authority for the
13 suspension of rates in cases filed pursuant to section four of
14 this article.

15 In any proceeding commenced pursuant to the provisions of
16 section four of this article which is pending on the effective
17 date of this section or is thereafter commenced, the commission
18 may at the commencement of, or during the pendency of, any
19 period of suspension provided for in section four, further
20 suspend the operation of any such schedule and defer the use
21 of such rate, charge, classification, regulation or practice for a
22 further and additional period of one hundred fifty days or
23 such shorter further and additional period as the commission
24 may order. The total period of suspension including the origin-
25 al suspension and the suspension resulting from the application
26 of this section shall not exceed a period equal to the maximum
27 suspension prescribed for the public utility as it is classified in
28 section four-a of this article, according to the number of cus-
29 tomers. The statement of reasons adopted pursuant to section
30 four of this article shall be a sufficient statement of reasons
31 for such further and additional period under this section. Any
32 such order for a further and additional period of suspension
33 shall be effective upon its service upon the utility affected
34 thereby, and may make provision for interim rate relief or
35 may provide only for such rates as have been fully approved
36 previously. At the expiration of any such additional period
37 of suspension, the commission shall authorize rates under
38 bond under the provisions of section four of this article,
39 or shall make a final order: *Provided*, That proceedings in
40 which such further and additional period of suspension have
41 commenced but not expired on the first day of July, one
42 thousand nine hundred eighty-one, shall not be treated as filed
43 anew on the first day of July, one thousand nine hundred
44 eighty-one, pursuant to section four of this article.

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.

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 20
day of March, 1981.

[Signature]
Governor

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SECY. OF STATE