

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

No: 226

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981



ENROLLED

SENATE BILL NO. 226

(By Mr. Susman)



PASSED April 8, 1981

In Effect July 1, 1981 ~~December~~



OFFICE
SECY. OF STATE

81 MAY 1 PM 12:13

RECEIVED

any person who is not a member of the commission shall be liable for the same as if he were a member of the commission. The commission shall have the power to make and alter the rules and regulations governing its proceedings and to suspend or expel any member who is guilty of misconduct. The commission shall have the power to subpoena any person who is believed to have information concerning any matter under its jurisdiction and to require the production of any books, papers, documents, records, or other information in the possession, custody, or control of any person who is believed to have such information. The commission shall have the power to administer oaths and to take any action necessary to carry out its duties. The commission shall have the power to receive and accept gifts and donations of money and property for the benefit of the commission. The commission shall have the power to sue and be sued, to contract and be contracted with, and to hold, convey, and dispose of real and personal property. The commission shall have the power to do all things necessary and proper to carry out its duties.

ENROLLED

Senate Bill No. 226

(By MR. SUSMAN)

[Passed April 8, 1981; in effect July 1, 1981.]

AN ACT to amend and reenact section four-b, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to procedures for changing rates of municipally operated public utilities; filing requirements; limited public service commission authority.

Be it enacted by the Legislature of West Virginia:

That section four-b, 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.

§24-2-4b. Procedures for changing rates of municipally operated public utilities; filing requirements; limited public service commission authority.

- 1 (a) Municipally operated public utilities are not subject to
- 2 the rate approval provisions of section four or four-a of this
- 3 chapter but are subject to the limited rate provisions of this
- 4 section.
- 5 (b) All rates and charges set by municipally operated
- 6 public utilities shall be just, reasonable, applied without
- 7 unjust discrimination or preference and based primarily on
- 8 the costs of providing these services. Such rates and charges
- 9 shall be adopted by municipal ordinance to be effective not
- 10 sooner than forty-five days after adoption. Such rates and
- 11 charges shall be filed with the commission together with such

12 information showing the basis of such rates and charges and
13 such other information as the commission considers
14 necessary. Any change in such rates and charges with
15 updated information shall be filed with the commission. If a
16 petition, as set out in subdivision (1), (2) or (3), subsection (c)
17 of this section, is received and the municipality has failed to
18 file with the commission such rates and charges with such
19 information showing the basis of rates and charges and such
20 other information as the commission considers necessary, the
21 suspension period limitation of one hundred twenty days and
22 the one hundred day period limitation for issuance of an
23 order by a hearing examiner, as contained in subsections (d)
24 and (e) of this section, is tolled until the necessary
25 information is filed. The municipality shall set the date when
26 any new rate or charge is to go into effect.

27 (c) The commission shall review and approve or modify
28 such rates upon the filing of a petition within thirty days of
29 the adoption of the ordinance changing said rates or charges
30 by:

31 (1) Any customer aggrieved by the changed rates or
32 charges who presents to the commission a petition signed by
33 not less than twenty-five percent of the customers served by
34 such municipally operated public utility; or

35 (2) Any customer who is served by a municipally operated
36 public utility and who resides outside the corporate limits
37 and who is affected by the change in said rates or charges and
38 who presents to the commission a petition alleging
39 discrimination between customers within and without the
40 municipal boundaries. Said petition shall be accompanied by
41 evidence of discrimination; or

42 (3) Any customer or group of customers who are affected
43 by said change in rates who reside within the municipal
44 boundaries and who present a petition to the commission
45 alleging discrimination between said customer or group of
46 customers and other customers of the municipal utility. Said
47 petition shall be accompanied by evidence of discrimination.

48 (d) (1) The filing of a petition with the commission signed
49 by not less than twenty-five percent of the customers served
50 by the municipally operated public utility under subdivision
51 (1), subsection (c) shall suspend the adoption of the rate
52 change contained in the ordinance for a period of one
53 hundred twenty days from the date said rates or charges

54 would otherwise go into effect, or until an order is issued as
55 provided herein.

56 (2) Upon sufficient showing of discrimination by
57 customers outside the municipal boundaries, or a customer
58 or group of customers within the municipal boundaries,
59 under a petition filed under subdivision (2) or (3), subsection
60 (c) of this section the commission shall suspend the adoption
61 of the rate change contained in the ordinance for a period of
62 one hundred twenty days from the date said rates or charges
63 would otherwise go into effect or until an order is issued as
64 provided herein.

65 (e) The commission shall forthwith appoint a hearing
66 examiner from its staff to review the grievances raised by the
67 petitioners. Said hearing examiner shall conduct a public
68 hearing, and shall within one hundred days from the date, the
69 said rates or charges would otherwise go into effect, unless
70 otherwise tolled as provided in subsection (b) of this section,
71 issue an order approving, disapproving or modifying in whole
72 or in part, the rates or charges contained in the ordinance.

73 (f) Upon receipt of a petition for review of the rates under
74 the provisions of subsection (c) of this section, the
75 commission may exercise the power granted to it under the
76 provisions of section three of this article. The commission
77 may determine the method by which such rates are reviewed
78 and may grant and conduct a de novo hearing on the matter if
79 the customer or municipality requests such a hearing.

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

R. P. Bayler
Chairman Senate Committee

Fony E. Whitton
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Jodd C. Miller
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

Walter R. Brown
President of the Senate

Walter G. Sledge
Speaker House of Delegates

The within *is approved* this the *29*

day of *April*, 1981.

John D. Doyll
Governor

Rec.
Apr. 15, 1981
12:24 p.m.

OFFICE
SECY. OF STATE

81 MAY 1 12:13

RECEIVED