WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
SENATE BILL NO. 226
(By Mr. Susman)

PASSED ________________________ 1981
In Effect ________________________ 1981

SECRETARY OF STATE
OCTOBER
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APPROVED AND SIGNED BY THE GOVERNOR

Date: 4-29-81
Time: __________________________
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 the rate approval provisions of section four or four-a of this chapter but are subject to the limited rate provisions of this section.
2 (b) All rates and charges set by municipally operated public utilities shall be just, reasonable, applied without unjust discrimination or preference and based primarily on the costs of providing these services. Such rates and charges shall be adopted by municipal ordinance to be effective not sooner than forty-five days after adoption. Such rates and charges shall be filed with the commission together with such...
information showing the basis of such rates and charges and such other information as the commission considers necessary. Any change in such rates and charges with updated information shall be filed with the commission. If a petition, as set out in subdivision (1), (2) or (3), subsection (c) of this section, is received and the municipality has failed to file with the commission such rates and charges with such information showing the basis of rates and charges and such other information as the commission considers necessary, the suspension period limitation of one hundred twenty days and the one hundred day period limitation for issuance of an order by a hearing examiner, as contained in subsections (d) and (e) of this section, is tolled until the necessary information is filed. The municipality shall set the date when any new rate or charge is to go into effect.

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

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

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

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

(d) (1) The filing of a petition with the commission signed by not less than twenty-five percent of the customers served by the municipally operated public utility under subdivision (1), subsection (c) shall suspend the adoption of the rate change contained in the ordinance for a period of one hundred twenty days from the date said rates or charges
would otherwise go into effect, or until an order is issued as
provided herein.

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

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

(f) Upon receipt of a petition for review of the rates under
the provisions of subsection (c) of this section, the
commission may exercise the power granted to it under the
provisions of section three of this article. The commission
may determine the method by which such rates are reviewed
and may grant and conduct a de novo hearing on the matter if
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. Baylee
Chairman Senate Committee

Tony E. Hutton
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

S. C. Willis
Clerk of the Senate

O. R. Blankenship
Clerk of the House of Delegates

Warren R. Moran
President of the Senate

J. L. Siddle
Speaker House of Delegates

The within is approved this the 29 day of April, 1981.

J. D. B. Layman
Governor
Apr. 15, 1981
12:24 p.m.

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