WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
Com. Sub. for
HOUSE BILL No. 1395

(By Mr. Allbright)

Passed March 12, 1983
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 the public service commission; exempting from jurisdiction of the commission natural gas producers who provide natural gas service to not more than twenty-five residential customers; and providing for the commission to regulate such producers in certain cases.

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; waiver of jurisdiction.

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:

4 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; 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 sys-
tems; any public service district created under the provisions
of article thirteen-a, chapter sixteen of this code; toll bridges,
wharves, ferries; and any other public service: Provided,
That natural gas producers who provide natural gas service
to not more than twenty-five residential customers are exempt
from the jurisdiction of the commission with regard to the pro-
vision of such residential service: Provided, however, That
upon request of any of the customers of such natural gas pro-
ducers, the commission may, upon good cause being shown,
exercise such authority as the commission may deem appro-
priate over the operation, rates and charges of such producer
and for such length of time as the commission may consider
to be proper: Provided further, That the jurisdiction the com-
mmission may exercise over the rates and charges of municipally
operated public utilities is limited to that authority granted the
commission in section four-b of this article: And provided
further, That the decision making authority granted to the
commission in sections four and four-a of this article shall,
in respect to an application filed by a public service district,
be delegated to a single hearing examiner appointed from the
commission staff, which hearing examiner shall be authorized
to carry out all decision making duties assigned to the com-
mmission by said sections, and to issue orders having the full
force and effect of orders of the commission.

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

(1) An area of West Virginia cannot be practically 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 substantial.

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.

Chairman Senate Committee

Donald Arello

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

J. E. Willis
Clerk of the Senate

Donald L. Yeager
Clerk of the House of Delegates

Nathan Mosby
President of the Senate

W. T. S. Lee, Jr.
Speaker House of Delegates

The within approved this the 29th day of March, 1983.

John D. Bangle
Governor