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APPROVED AND SIGNED BY THE GOVERNOR

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Date 3-29-83

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1395

(By Mr. Allbright)

— ● —

Passed March 12, 1983

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1395

(By MR. ALBRIGHT)

[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
2 utilities in this state, and shall include any utility engaged in
3 any of the following public services:

4 Common carriage of passengers or goods, whether by air,
5 railroad, street railroad, motor or otherwise, by express or

6 otherwise, by land, water or air, whether wholly or partly by
7 land, water or air; transportation of oil, gas or water by
8 pipeline; transportation of coal and its derivatives and all
9 mixtures and combinations thereof with other substances by
10 pipeline; sleeping car or parlor car services; transmission of
11 messages by telephone, telegraph or radio; generation and
12 transmission of electrical energy by hydroelectric or other
13 utilities for service to the public, whether directly or through
14 a distributing utility; supplying water, gas or electricity, by
15 municipalities or others; sewer systems servicing twenty-five or
16 more persons or firms other than the owner of the sewer sys-
17 tems; any public service district created under the provisions
18 of article thirteen-a, chapter sixteen of this code; toll bridges,
19 wharves, ferries; and any other public service: *Provided*,
20 That natural gas producers who provide natural gas service
21 to not more than twenty-five residential customers are exempt
22 from the jurisdiction of the commission with regard to the pro-
23 vision of such residential service: *Provided, however*, That
24 upon request of any of the customers of such natural gas pro-
25 ducers, the commission may, upon good cause being shown,
26 exercise such authority as the commission may deem appro-
27 priate over the operation, rates and charges of such producer
28 and for such length of time as the commission may consider
29 to be proper: *Provided further*, That the jurisdiction the com-
30 mission may exercise over the rates and charges of municipally
31 operated public utilities is limited to that authority granted the
32 commission in section four-b of this article: *And provided*
33 *further*, That the decision making authority granted to the
34 commission in sections four and four-a of this article shall,
35 in respect to an application filed by a public service district,
36 be delegated to a single hearing examiner appointed from the
37 commission staff, which hearing examiner shall be authorized
38 to carry out all decision making duties assigned to the com-
39 mission by said sections, and to issue orders having the full
40 force and effect of orders of the commission.

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

44 (1) An area of West Virginia cannot be practicably and

45 economically served by a utility licensed to operate within the
46 state of West Virginia;

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

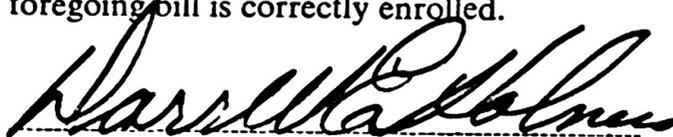
49 (3) The utility operating in the adjoining state is regulated
50 by a regulatory agency or commission of the adjoining state;
51 and

52 (4) The number of customers to be served is not substantial.

53 The rates the out-of-state utility charges West Virginia cus-
54 tomers shall be the same as the rate the utility is duly autho-
55 rized to charge in the adjoining jurisdiction.

56 The commission, in the case of any such utility, may re-
57 voke its waiver of jurisdiction for good cause.

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



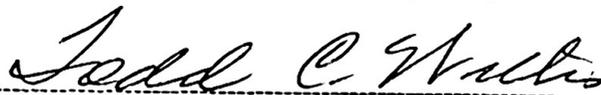
Chairman Senate Committee



Chairman House Committee

Originating in the House.

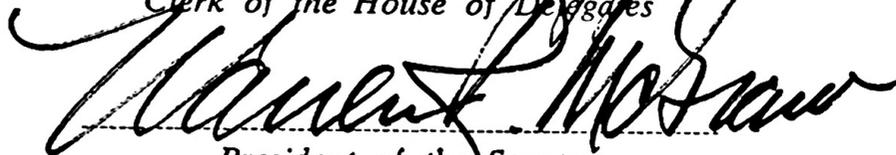
Takes effect ninety days from passage.



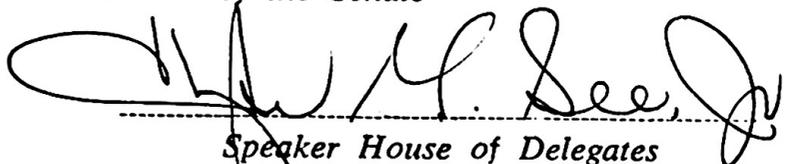
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

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



Governor

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