WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998

---

ENROLLED

SENATE BILL NO. 745

(By Senator Wooton, et al.)

---

PASSED March 12, 1998

In Effect NINETY DAYS FROM Passage
ENROLLED

Senate Bill No. 745

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR, HUNTER, KESSLER, OLIVERIO, ROSS, SCHOONOVER, SNYDER, WHITE, BUCKALEW AND KIMBLE)

[Passed March 12, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers and duties of the public service commission to regulate public utilities; and authorizing the commission to require public utilities to charge emergency shelter providers the lowest rates available.

Be it enacted by the Legislature of West Virginia:

That section two, 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.

§24-2-2. General power of commission to regulate public utilities.

(a) The commission is hereby given power to investigate all rates, methods and practices of public utilities subject to the provisions of this chapter; to require them to conform to the laws of this state and to all rules, regulations and orders of the commission not contrary to law; and to require copies of all reports, rates, classifications, schedules and timetables in effect and used by the public utility or other person, to be filed with the commission, and all other information desired by the commission relating to the investigation and requirements, including inventories of all property in such form and detail as the commission may prescribe. The commission may compel obedience to its lawful orders by mandamus or injunction or other proper proceedings in the name of the state in any circuit court having jurisdiction of the parties or of the subject matter, or the supreme court of appeals direct, and the proceedings shall have priority over all pending cases. The commission may change any intrastate rate, charge or toll which is unjust or unreasonable or any interstate charge with respect to matters of a purely local nature which have not been regulated by or pursuant to an act of Congress and may prescribe a rate, charge or toll that is just and reasonable, and change or prohibit any practice, device or method of service in order to prevent undue discrimination or favoritism between persons and between localities and between commodities for a like and contemporaneous service. But in no case shall the rate, toll or charge be more than the service is reasonably worth, considering the cost of the service. Every order entered by the commission shall continue in force until the expiration of the time, if any, named by the commission in the order, or until revoked or modified by the commission, unless the order is suspended, modified or revoked by order or decree of a court of competent jurisdiction. Provided, That in the
case of utilities used by emergency shelter providers, the
commission shall prescribe such rates, charges or tolls that
are the lowest available. "Emergency shelter provider"
means any nonprofit entity which provides temporary
emergency housing and services to the homeless or to
victims of domestic violence or other abuse.

(b) Notwithstanding any other provision of this code to
the contrary, rates are not discriminatory if, when consid-
ering the debt costs associated with a future water or
sewer project which would not benefit existing customers,
the commission establishes rates which ensure that the
future customers to be served by the new project are solely
responsible for the debt costs associated with the project.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee.

[Signature]

Chairman House Committee

Originated in the Senate.

In effect ninety days 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 approved this the ___

day of ________________________, 1998

[Signature]

Governor