

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Enrolled

Senate Bill 678

BY SENATOR WALTERS

[Passed March 8, 2016; in effect 90 days from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §24-2E-3, relating to ownership and use of certain conduit that provides
3 service by a telephone public utility; requiring the telephone company to permit a customer
4 to own and use the conduit for other purposes; requiring customers and all occupants of
5 conduit or other underground apparatuses comply with national electrical safety code and
6 other reasonable standards; and providing for Public Service Commission rule-making
7 authority.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §24-2E-3, to read as follows:

ARTICLE 2E. REQUIREMENTS FOR PHONE SERVICE SALES.

§24-2E-3. Telephone conduit; prohibition; rulemaking.

1 (a) A telephone public utility may not prohibit, either by contract or service tariff, a customer
2 who has provided conduit or other underground construction provided at the customer's expense
3 from using the conduit or other underground construction for purposes other than services
4 provided by the telephone company. A customer who provides the conduit or other underground
5 construction is the owner of that apparatus: *Provided*, That the customer and all occupants of the
6 conduit or other underground apparatus shall comply with the national electrical safety code and
7 all other reasonable standards and practices to be established by the Public Service Commission.

8 (b) The Public Service Commission shall promulgate rules pursuant to article three,
9 chapter twenty-nine-a of this code necessary to effectuate the purpose of this section.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2016.

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Governor