

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Engrossed

Senate Bill 678

BY SENATOR WALTERS

[Introduced February 22, 2016;

Referred to the Committee on Government Organization]

1 A BILL 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; and providing for rule-making 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.