

**WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**FILED**  
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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SB678

**Enrolled**

**Senate Bill 678**

BY SENATOR WALTERS

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

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## **2016 REGULAR SESSION**

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### **Senate Bill 678**

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[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:

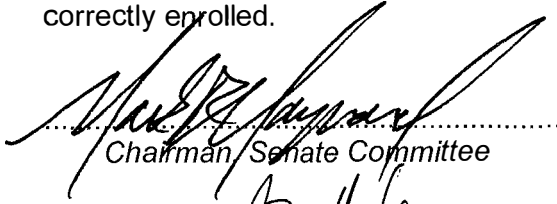
**ARTICLE 2E. REQUIREMENTS FOR PHONE SERVICE SALES.**

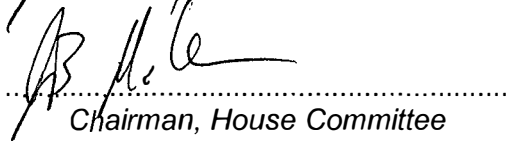
**§24-2E-3. Telephone conduit; prohibition; rulemaking.**

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.

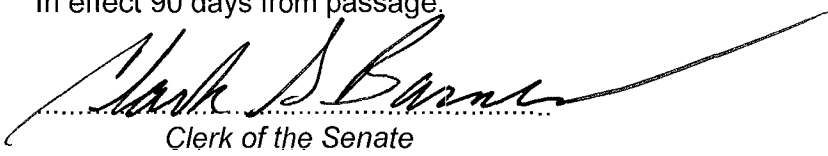
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


  
.....  
Chairman, Senate Committee

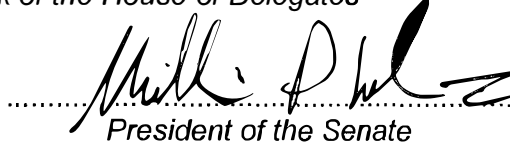
  
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Chairman, House Committee

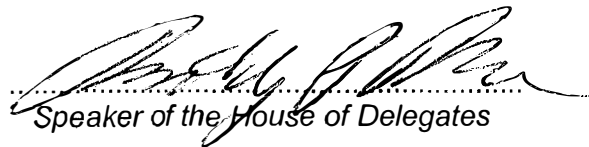
Originated in the Senate.

In effect 90 days from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker of the House of Delegates

The within is approved this the 18<sup>th</sup>  
Day of March, 2016.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 15 2016

Time 10:35 AM

PRESENTED TO THE GOVERNOR

MAR 15 2016

Time 10:35 am