

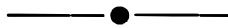
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OFFICE WEST VIRGINIA
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WEST VIRGINIA LEGISLATURE

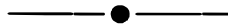
SECOND REGULAR SESSION, 2005



ENROLLED

House Bill No. 2813

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]



Passed April 5, 2005

In Effect from Passage

FILED

2005 APR 18 P 5:47

OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 2813

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)

[BY REQUEST OF THE EXECUTIVE]

[Passed April 5, 2005; in effect from passage.]

AN ACT to amend and reenact §24-2-11 of the Code of West Virginia, 1931, as amended, relating to requirements for certificate of public convenience and necessity; and removing the prohibition for electric power projects on applying for and obtaining franchises, licenses or permits prior to obtaining a certificate of public convenience and necessity from the Public Service Commission.

Be it enacted by the Legislature of West Virginia:

That §24-2-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-11. Requirements for certificate of public convenience and necessity.

- 1 (a) No public utility, person or corporation shall begin the
- 2 construction of any plant, equipment, property or facility for

3 furnishing to the public any of the services enumerated in
4 section one, article two of this chapter nor apply for, nor obtain
5 any franchise, license or permit from any municipality or other
6 governmental agency, except ordinary extensions of existing
7 systems in the usual course of business, unless and until it shall
8 obtain from the Public Service Commission a certificate of
9 public convenience and necessity authorizing such construction
10 franchise, license or permit. Upon the filing of any application
11 for such certificate, and after hearing, the Commission may, in
12 its discretion, issue or refuse to issue, or issue in part and refuse
13 in part, such certificate of convenience and necessity: *Provided*,
14 That the Commission, after it gives proper notice and if no
15 protest is received within thirty days after the notice is given,
16 may waive formal hearing on the application. Notice shall be
17 given by publication which shall state that a formal hearing may
18 be waived in the absence of protest, made within thirty days, to
19 the application. The notice shall be published as a Class I legal
20 advertisement in compliance with the provisions of article
21 three, chapter fifty-nine of this code. The publication area shall
22 be the proposed area of operation. Any public utility, person or
23 corporation subject to the provisions of this section shall give
24 the Commission at least thirty days' notice of the filing of any
25 such application for a certificate of public convenience and
26 necessity under this section: *Provided*, That the Commission
27 may modify or waive the thirty-day notice requirement. The
28 Commission shall render its final decision on any application
29 under the provisions of this section or section eleven-a of this
30 article within two hundred seventy days of the filing of the
31 application and within ninety days after final submission of any
32 such application for decision following a hearing: *Provided*,
33 *however*, That if the projected total cost of the project is greater
34 than fifty million dollars, the Commission shall render its final
35 decision on any such application filed under the provisions of
36 this section or section eleven-a of this article within four
37 hundred days of the filing of the application and within ninety

38 days after final submission of any such application for decision
39 after a hearing. If such decision is not rendered within the
40 aforementioned two hundred seventy days, four hundred days
41 or ninety days, the Commission shall issue a certificate of
42 convenience and necessity as applied for in the application. The
43 Commission shall prescribe such rules as it may deem proper
44 for the enforcement of the provisions of this section; and, in
45 establishing that public convenience and necessity do exist, the
46 burden of proof shall be upon the applicant.

47 (b) Pursuant to the requirements of subsection (a) of this
48 section the Commission may issue a certificate of public
49 convenience and necessity to any intrastate pipeline, interstate
50 pipeline, or local distribution company for the transportation in
51 intrastate commerce of natural gas used by any person for one
52 or more uses, as defined, by rule, by the Commission in the
53 case of:

54 (1) Natural gas sold by a producer, pipeline or other seller to
55 such person; or

56 (2) Natural gas produced by such person.

57 (c) Any public utility, person or corporation proposing any
58 electric power project that requires a certificate under this
59 section is not required to obtain such certificate before applying
60 for or obtaining any franchise, license or permit from any
61 municipality or other governmental agency.

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



Chairman Senate Committee




Chairman House Committee

Originating in the House.

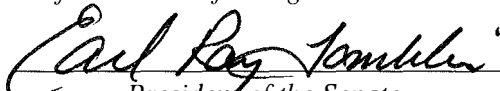
In effect from passage



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 18th
day of April, 2005.



Governor

PRESENTED TO THE
GOVERNOR

Date 4/2/05

Time 3:00 pm