

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

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.

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

NOTE: The purpose of this bill is to require the telephone company to permit a customer to own and use the conduit for other purposes. The bill provides for rule-making authority.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.

GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT

On page one, section three, line five, after the word "apparatus" by changing the period to a colon and inserting the following proviso: *Provided*, That the customer and all occupants of the conduit or other underground apparatus shall comply with the national electrical safety code and all other reasonable standards and practices to be established by the Public Service Commission.