

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 260

*An Act to amend and reenact §§ 56-237.2 and 56-501.01 of the Code of Virginia, relating to public hearings on rate changes and rate filings.*

[S 810]

Approved March 16, 1995

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 56-237.2 and 56-501.01 of the Code of Virginia are amended and reenacted as follows:**

§ 56-237.2. Public hearings on protests or objections to rate changes.

Whenever pursuant to § 56-237 there shall be filed with the Commission any schedule stating a change of rate, toll or charge and a protest or objection thereto is filed by or on behalf of ~~twenty or more~~ *the lesser of 150 or five percent (5%) of the* customers or consumers or other persons subject to such rate, toll or charge, the Commission shall upon reasonable notice conduct a public hearing concerning the lawfulness of the proposed rate, toll or charge. At any such hearing involving a change of rate, toll or charge, the burden of proof shall be upon the applicant therefor to demonstrate that the proposed change is just and reasonable. The Commission shall prescribe all necessary rules and regulations for the conduct of such hearing, which rules shall afford ample opportunity for participation or representation by persons affected by such change.

§ 56-501.01. Rate filings.

A. Whenever there shall be filed with the Commission a protest or objection to any schedule stating a change of rate, toll, charge, rule and regulation, which is filed by or on behalf of ~~20 or more persons~~ *the lesser of 150 or five percent (5%) of the customers* subject to such rate, toll, charge, rule and regulation, the Commission may suspend the enforcement of any or all of the proposed rates, tolls, charges, rules and regulations, for a period not exceeding 150 days from the date of filing. During the 150-day period, the Commission shall investigate the reasonableness or justice of the proposed rates, tolls, charges, rules and regulations and thereupon fix and order substituted therefor such rates, tolls, charges, rules and regulations as shall be just and reasonable. Notice of the suspension of any proposed rate, toll, charge, rule or regulation shall be given by the Commission to the cooperative, prior to the expiration of the thirty days' notice to the Commission and to the public as prescribed in subsection B of this section. If the proceeding has not been concluded and an order made at the expiration of the suspension period, after notice to the Commission by the cooperative making the filing, the proposed rates, tolls, charges, rules or regulations shall go into effect. Where increased rates, tolls or charges are thus made effective, the Commission shall, by order, require the cooperative to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such increase, and upon completion of the hearing and decision, to order such cooperative to refund the portion of such increased rates, tolls or charges by its decision found not justified.

B. Unless a protest or objection is filed as provided in subsection A of this section, after thirty days' notice to the Commission and to the public, any change in any rate, toll, charge, rule and regulation of any cooperative shall be deemed approved by the Commission, provided that such notice shall have been mailed to each customer not less than thirty days prior to the time any such changed rate, toll, charge, rule and regulation, shall take effect.