

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 514

*An Act to amend and reenact § 56-265.2 of the Code of Virginia, relating to public service companies; public utilities; certificates of convenience and necessity for new facilities.*

[H 1748]

Approved March 23, 1995

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

**1. That § 56-265.2 of the Code of Virginia is amended and reenacted as follows:**

§ 56-265.2. Certificate of convenience and necessity required for acquisition, etc., of new facilities.

A. It shall be unlawful for any public utility to construct, enlarge or acquire, by lease or otherwise, any facilities for use in public utility service, except ordinary extensions or improvements in the usual course of business ~~within the territory in which it is lawfully authorized to operate~~, without first having obtained a certificate from the Commission that the public convenience and necessity require the exercise of such right or privilege. ~~The~~ Any certificate *required by this section* shall be issued by the Commission only after ~~formal or informal~~ *opportunity for a hearing* and after due notice to interested parties. The certificate for overhead electrical transmission lines of 150 kilovolts or more shall be issued by the Commission only after compliance with the provisions of § 56-46.1.

B. A map showing the location of any proposed ordinary extension or improvement outside of the territory in which the public utility is lawfully authorized to operate shall be filed with the Commission, and prior notice of such ordinary extension shall be given to the public utility or other entity authorized to provide the same utility service within said territory. Ordinary extensions outside the service territory of a public utility shall be undertaken only for use in providing its public utility service and shall be constructed and operated so as not to interfere with the service or facilities of any public utility or other entity authorized to provide utility service within any other territory. If, upon objection of the affected utility or entity filed within thirty days of the aforesaid notice and after investigation and opportunity for a hearing the Commission finds an ordinary extension would not comply with this section, it may alter or amend the plan for such activity or prohibit its construction.

C. This section shall be subject to the requirements of § 56-265.3, if any, and nothing herein shall be construed to supersede § 56-265.3.

**2. That an emergency exists and this act is in force from its passage.**