

by which apparatus every meter may and shall be tested, on the written request of the consumer to whom the same shall be furnished, and in his presence if he desires it.

An. Code, sec. 446. 1910, ch. 180, sec. 32 (p. 379).

**389.** If any consumer to whom a meter has been furnished shall request the commission to inspect such meter, the commission shall have the same inspected and tested; if the same, on being tested, shall be found to be four per cent., if an electric meter, or two per cent., if a gas meter, defective or incorrect, to the prejudice of the consumer, the inspector shall order the gas or electrical corporation forthwith to remove the same and to place instead thereof a correct meter, and the expense of such inspection and test shall be borne by the corporation, if the same, on being so tested, shall be found to be correct, the expense of such inspection and test shall be borne by the consumer. A uniform reasonable charge shall be fixed by the commissioner for this service.

An. Code, sec. 447. 1910, ch. 180, sec. 33 (p. 379). 1924, ch. 48, sec. 447.

**390.** No gas corporation or electrical corporation incorporated under the laws of this or any other State shall begin construction or exercise any right or privilege under any franchise hereafter granted or under any franchise heretofore granted but not heretofore actually exercised, without first having obtained the permission and approval of the commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the Commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities. No municipality, except the Mayor and City Council of Baltimore, shall build, maintain and operate for other than municipal purposes, any works or systems for the manufacture and supplying of gas or of electricity for lighting purposes, without a certificate of authority granted by the Commission, provided, however, that this section shall not apply to such municipalities as owned, operated and maintained on and prior to the date of the creation of the Public Service Commission, and presently own, operate and maintain a gas or electric plant devoted in whole or in part to the supplying of the inhabitants of such municipalities with gas or electricity, for lighting or power purposes, nor shall this section apply to the Mayor and Council of Hagerstown nor to such municipality or municipalities having a population in excess of 20,000 and an assessable basis in excess of \$15,000,000, when the majority of voters of such municipality or municipalities, at a duly held election, shall vote in favor of municipal ownership of lighting or power plant. If the certificate of authority is refused no further proceedings shall be taken before the Commission, but a new application may be made therefor after six months from the date of refusal.

See notes to sec. 347.