

1 **H. B. 4249**

2  
3 (By Delegates Morgan, Stephens, Swartzmiller,  
4 Hall, Hatfield, Hartman, Skaff, Stowers,  
5 Williams, Frazier and Snuffer)

6  
7 [Introduced January 20, 2012; referred to the  
8 Committee on Government Organization then Finance.]

9  
10 A BILL to amend and reenact §24-2A-1 of the Code of West Virginia,  
11 1931, as amended, relating to reduced utility rates for  
12 low-income residential customers.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §24-2A-1 of the Code of West Virginia, 1931, as amended,  
15 be amended and reenacted to read as follows:

16 **ARTICLE 2A. REDUCED RATES FOR LOW-INCOME RESIDENTIAL CUSTOMERS OF**  
17 **ELECTRICITY AND GAS.**

18 **§24-2A-1. Special rates for gas and electric utility customers.**

19 (a) The commission shall order each gas and electric utility  
20 subject to its jurisdiction, except municipal or cooperative gas or  
21 electric utilities, to offer special reduced rates applicable to  
22 gas and electric service ~~for the billing months of December,~~  
23 ~~January, February, March and April of each year (beginning with the~~  
24 ~~billing month of December, 1983),~~ to residential utility customers

1 receiving:

2 ~~(a)~~ (1) Social security supplemental security income (SSI);

3 ~~(b) aid to families with dependent children (AFDC)~~ (2)

4 Temporary assistance for needy families (TANF);

5 ~~⊗ aid to families with dependent children -- unemployed~~

6 ~~(AFDC-U)~~ (3) Temporary assistance for needy families - unemployed

7 parent program (TANF-UP) ; or (d) food stamps, if such food stamp

8 ~~recipients are sixty years of age or older~~

9 (4) Assistance from the supplemental nutrition assistance

10 program (SNAP); or

11 (5) Social security disability insurance (SSDI).

12 (b) The special reduced rate offered by each gas and electric

13 utility to its eligible customers shall be twenty percent less than

14 the rate which would be applicable to such customers if they were

15 not receiving any of the ~~four~~ five forms of assistance which confer

16 eligibility for the special reduced rates. A customer of a utility

17 offering special reduced rates shall be eligible to receive ~~such~~

18 reduced rates ~~for each of the billing months of December, January,~~

19 ~~February, March and April that correlates to a~~ immediately

20 following the calendar month during which that customer is eligible

21 to participate in one or more of the qualifying programs specified

22 in this section. ~~except as otherwise provided in this section.~~

23 ~~The correlation of billing months to calendar months of eligibility~~

24 ~~to participate in a qualifying program is as follows: A December~~

1 ~~billing month correlates to the calendar month of November; a~~  
2 ~~January billing month correlates to the calendar month of December;~~  
3 ~~a February billing month correlates to the calendar month of~~  
4 ~~January; a March billing month correlates to the calendar month of~~  
5 ~~February; and an April billing month correlates to the calendar~~  
6 ~~month of March. After the billing month of April, 1984, no~~  
7 ~~customer shall be eligible to receive the special reduced rates~~  
8 ~~until the billing month in which that customer applies for such~~  
9 ~~rates. For the billing months of December, 1983, and January,~~  
10 ~~February, March and April, 1984, a customer shall be eligible to~~  
11 ~~receive a utility's special reduced rates for any of said billing~~  
12 ~~months which correlates to a calendar month during which that~~  
13 ~~customer is eligible to participate in one or more of the~~  
14 ~~qualifying programs specified in this section, regardless of the~~  
15 ~~date on which that customer applies for such rates: *Provided, That*~~  
16 ~~the date of application falls on or prior to May 15, 1984. No~~  
17 ~~customer who applies for the special reduced rates after May 15,~~  
18 ~~1984 shall be eligible to receive such rates for any of the billing~~  
19 ~~months of December, 1983 or January, February, March or April,~~  
20 ~~1984. Before any individual may qualify to receive the special~~  
21 ~~reduced rates, the following requirements must be met:~~

22       (a) © The special reduced rates shall apply only to current  
23 customers or to those persons who subsequently become customers in  
24 their own right. If an SSI, AFDC, AFDC-U or food stamp TANF,

1 TANF-UP or SNAP recipient is living in a household which is served  
2 under the name of a person who is not an SSI, ~~AFDC, AFDC-U or food~~  
3 ~~stamp~~ TANF, TANF-UP, or SNAP recipient, that service may not be  
4 changed or have been changed ~~subsequent to March 12, 1983,~~ to the  
5 name of the SSI, ~~AFDC, AFDC-U or food stamp~~ TANF, TANF-UP, or SNAP  
6 recipient in order to qualify for service under the special reduced  
7 rates.

8 ~~(b)~~ (d) The burden of proving eligibility for the special  
9 reduced rates shall be on the requesting customer. ~~requesting such~~  
10 ~~rates~~ The Department of ~~human services~~ Health and Human Resources  
11 shall establish by ~~rules and regulations~~ legislative rule  
12 procedures:

13 (1) To inform persons receiving any of the four forms of  
14 assistance which confer eligibility for the special reduced rates  
15 about the availability of the special reduced rates;

16 (2) To assist applicants for the special reduced rates in  
17 proving their eligibility; ~~therefor,~~ and

18 (3) To assist gas and electric utilities offering the special  
19 reduced rates in determining on a continuing basis the eligibility  
20 ~~therefor~~ of persons receiving or applying for such rates.

21 (e) The commission shall establish by ~~rules and regulations~~  
22 procedures for the application for and provision of service under  
23 the special reduced rates and for the determination and  
24 certification of revenue deficiencies resulting from the special

1 reduced rates. ~~Within ten days of the effective date of this~~  
2 ~~article,~~

3       (f) The commission and the Department of ~~human services~~ Health  
4 and Human Resources shall adopt ~~temporary rules and regulations, as~~  
5 ~~required by this section, which rules and regulations shall~~ are not  
6 ~~be subject to the requirements of chapter twenty-nine-a and section~~  
7 ~~seven, article one of chapter twenty-four except that they shall be~~  
8 ~~filed with the Secretary of State and published in the state~~  
9 ~~register. These temporary rules and regulations shall remain in~~  
10 ~~effect until supplanted by permanent rules and regulations, which~~  
11 ~~shall be adopted by the commission and the department of human~~  
12 ~~services within one hundred eighty days of the effective date of~~  
13 ~~this article~~ emergency rules to effectuate the provisions of this  
14 article.

15       (g) No customer who is a recipient of more than one of the  
16 ~~four~~ five forms of assistance which confer eligibility for the  
17 special reduced rates shall be eligible for more than one twenty  
18 percent discount for gas service and one twenty percent discount  
19 for electric service during each billing month. ~~that said customer~~  
20 ~~is eligible to receive the special reduced rates~~

21       © ~~In order to provide each eligible residential utility~~  
22 ~~customer the special reduced rates for the billing months of~~  
23 ~~December, 1983, through April, 1984, (hereinafter referred to as~~  
24 ~~the first special reduced rate season), each utility providing the~~

1 ~~special reduced rates shall credit against the amount otherwise~~  
2 ~~owed by each customer an amount equal to the difference between the~~  
3 ~~total amount that each such customer was actually billed during the~~  
4 ~~first special-reduced-rate season and the total amount that each~~  
5 ~~customer would have been entitled to be billed under the special~~  
6 ~~reduced rates. Each such credit shall be fully reflected on the~~  
7 ~~first bill issued to each such customer after approval of each such~~  
8 ~~customer's application for the special reduced rates, except in~~  
9 ~~cases where the interval between the approval and the issuance of~~  
10 ~~the next bill is so short that it is administratively impracticable~~  
11 ~~to do so, in which cases such credits shall be fully reflected on~~  
12 ~~the second bill issued to each such customer after approval of that~~  
13 ~~customer's application. If the interval between the approval and~~  
14 ~~the issuance of the next bill is fifteen days or more, it shall not~~  
15 ~~be deemed administratively impracticable to reflect such credit on~~  
16 ~~the customer's first such bill.~~

NOTE: The purpose of this bill is to reduced utility rates for low-income residential customers.

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