

Senate Bill No. 391

(By Senators Laird, Unger, Prezioso, Stollings, Edgell, Sypolt,
D. Facemire, Snyder, Yost, Green, Wells, Miller, Browning,
Jenkins, Plymale, Beach, Foster and Tucker)

[Introduced January 24, 2012; referred to the Committee on the
Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

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

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

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

1 ~~billing month of December, 1983),~~ to residential utility customers
2 receiving:

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

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

5 Temporary assistance for needy families (TANF);

6 ~~(c) aid to families with dependent children--unemployed~~

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

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

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

10 (4) Assistance from the supplemental nutrition assistance

11 program (SNAP); or

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

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

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

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

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

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

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

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

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

21 following the calendar month during which that customer is eligible

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

23 in this section. ~~except as otherwise provided in this section. The~~

24 ~~correlation of billing months to calendar months of eligibility to~~

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

23 (a) (c) The special reduced rates shall apply only to current
24 customers or to those persons who subsequently become customers in

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

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

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

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

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

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

1 certification of revenue deficiencies resulting from the special
2 reduced rates. ~~Within ten days of the effective date of this~~
3 ~~article,~~

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

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

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

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

NOTE: The purpose of this bill is to reduce 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.