

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 3, 2012

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Ms. Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 623. The bill requires the Public Service Commission of West Virginia (the "Commission") to promulgate and adopt rules relating to the establishment and modification of capacity improvement fees for residential and commercial customers for inclusion in the tariff of a private, public or municipal water or sewer utility.

Proceedings involving capacity improvement fees are currently pending before the Commission and the mandatory promulgation and adoption of the rules required by the bill may affect ongoing proceedings in an unintended manner. For this reason, I must veto the legislation.

Very truly yours,

Earl Ray Tomblin,

Governor.

cc: The Honorable Jeffrey V. Kessler

The Honorable Richard Thompson