

H. B. 2908

(By Delegate Skinner)

[Introduced February 24, 2015; referred to the
Committee on the Judiciary.]

**FISCAL
NOTE**

A BILL to amend and reenact §24-2-2 of the Code of West Virginia, 1931, as amended, relating generally to public service districts; prohibiting shifting future development costs onto existing public service district customers.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-2. General power of commission to regulate public utilities.

(a) The commission is hereby given power to investigate all rates, methods and practices of public utilities subject to the provisions of this chapter; to require them to conform to the laws of this state and to all rules, regulations and orders of the commission not contrary to law; and to require copies of all reports, rates, classifications, schedules and timetables in effect and used by the public utility or other person, to be filed with the commission, and all other information desired by the

1 commission relating to the investigation and requirements, including inventories of all property in
2 such form and detail as the commission may prescribe. The commission may compel obedience to
3 its lawful orders by mandamus or injunction or other proper proceedings in the name of the state in
4 any circuit court having jurisdiction of the parties or of the subject matter, or the Supreme Court of
5 Appeals direct, and the proceedings shall have priority over all pending cases. The commission may
6 change any intrastate rate, charge or toll which is unjust or unreasonable or any interstate charge with
7 respect to matters of a purely local nature which have not been regulated by or pursuant to an act of
8 Congress and may prescribe a rate, charge or toll that is just and reasonable, and change or prohibit
9 any practice, device or method of service in order to prevent undue discrimination or favoritism
10 between persons and between localities and between commodities for a like and contemporaneous
11 service. But in no case shall the rate, toll or charge be more than the service is reasonably worth,
12 considering the cost of the service. Every order entered by the commission shall continue in force
13 until the expiration of the time, if any, named by the commission in the order, or until revoked or
14 modified by the commission, unless the order is suspended, modified or revoked by order or decree
15 of a court of competent jurisdiction: *Provided*, That in the case of utilities used by emergency shelter
16 providers, the commission shall prescribe such rates, charges or tolls that are the lowest available.
17 "Emergency shelter provider" means any nonprofit entity which provides temporary emergency
18 housing and services to the homeless or to victims of domestic violence or other abuse.

19 (b) Notwithstanding any other provision of this code to the contrary, rates are not
20 discriminatory if, when considering the debt costs associated with a future water or sewer project
21 which would not benefit existing customers, the commission establishes rates which ensure that the
22 future customers to be served by the new project are solely responsible for the debt costs associated

- 1 with the project. For water and sewer utilities, improvements that increase flow capacity for new
- 2 customers and provide new infrastructure for new customers may not increase rates for existing
- 3 customers.

NOTE: The purpose of this bill is to prohibit increasing rates of existing public service district customers to provide for increased services for new customers.

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