

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4612**

BY DELEGATE HANSHAW

[Introduced February 13, 2018; Referred  
to the Committee on Energy then Finance.]

1 A BILL to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating  
 2 to prohibiting public utilities from prohibiting customers from constructing, installing, or  
 3 maintaining a connection or other infrastructure necessary for the customer to connect to  
 4 the public utility to receive service.

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

**ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO  
 REGULATIONS OF COMMISSION.**

**§24-3-2. Discrimination prohibited.**

1 No public utility subject to the provisions of this chapter shall may, directly or indirectly, by  
 2 any special rate, rebate, drawback or other device or method, charge, demand, collect or receive  
 3 from any person, firm or corporation, a greater or less compensation, for any service rendered or  
 4 to be rendered, than it charges, demands, collects, or receives from any other person, firm or  
 5 corporation for doing a like and contemporaneous service under the same or substantially similar  
 6 circumstances and conditions.

7 It ~~shall be~~ is unlawful for any public utility subject to the provisions of this chapter to make  
 8 or give any undue or unreasonable preference or advantage to any particular person, company,  
 9 firm, corporation or locality, or any particular character of traffic or service, in any respect  
 10 whatsoever, or to subject any particular person, firm, corporation, company or locality, or any  
 11 particular character of traffic or service, to any undue or unreasonable prejudice or disadvantage  
 12 in any respect whatsoever.

13 It is unlawful for a public utility subject to the provisions of this chapter, to prohibit a  
 14 customer of that public utility from constructing, installing, or maintaining, or hiring a contractor of  
 15 the customer's choice, to construct, install, or maintain, any connection or other infrastructure  
 16 necessary for the customer to connect to the public utility to receive service. However, a public  
 17 utility subject to the provisions of this chapter may require that all construction, installation, or

18 maintenance be performed according to standards developed by the public utility.

19 Nothing in this section ~~shall be construed to prevent~~ prevents the commission from:

20 (a) Authorizing or requiring any rate design consistent with the purposes and policies set  
21 forth in §24-2A-1 *et seq.* of this code; or

22 (b) Authorizing a private water utility to voluntarily implement a rate design featuring  
23 reduced rates and charges for service to qualifying low-income residential customers.

NOTE: The purpose of this bill is to prohibit public utilities from prohibiting customers from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service.

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