

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

Introduced

### House Bill 4759

FISCAL  
NOTE

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[Introduced February 15, 2022; Referred to the  
Committee on Energy and Manufacturing then  
Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §5D-2-1, §5D-2-2, §5D-2-3, §5D-2-4, and §5D-2-5, all relating to establishing  
3 a Legislative Commission on Energy Storage Resources; declaring legislative findings and  
4 a statement of purpose; creating the commission as an advisory body to the Legislature;  
5 providing for administrative services to the commission; listing membership; providing  
6 compensation and reimbursement for expenses of members; establishing the powers and  
7 duties of the commission; requiring reports to the Legislature; and setting a sunset date  
8 for the termination of the commission.

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

## **ARTICLE 2. LEGISLATIVE COMMISSION ON ENERGY STORAGE RESOURCES.**

### **§5D-2-1. Findings and purpose.**

1 The Legislature finds that, substantial energy storage facilities will be needed to help  
2 provide grid stability and reliability. Energy storage technologies can provide an efficient solution  
3 to the disparities between the capacity of power systems to produce abundant power and periods  
4 of greatest demand. Bulk energy storage can also provide critical ancillary services like spinning  
5 reserve capacity and frequency response.

6 New technologies and solutions for energy storage on a large scale are being developed  
7 and this is an area that is simultaneously experiencing tremendous growth and substantial  
8 challenges. The Legislature recognizes that some of the challenges facing these technologies  
9 may come from regulatory frameworks based upon older models of power supply, distribution,  
10 and accounting. To the extent that these older models may inhibit the timely and appropriate  
11 development of energy resources, it is important to understand where improvements can be made  
12 for the benefit of the public as a whole.

13 Accordingly, the Legislature finds that a comprehensive review of energy storage  
14 resources, technologies, and regulatory schemes can provide a basis for the establishment of a

15 sound regulatory framework, enhanced economic opportunities, and reduced costs to commercial  
16 and residential consumers.

**§5D-2-2. Creation of the Legislative Commission on Energy Storage Resources.**

1 The Legislative Commission on Energy Storage Resources is hereby created as an  
2 advisory body and an investigative and research resource of the Legislature. The administrative  
3 functions of the commission shall be the responsibility of staff assigned to the Legislature's Joint  
4 Committee on Energy.

**§5D-2-3. Members of the Legislative Commission on Energy Storage Resources.**

1 (a) The Legislative Commission on Energy Storage Resources shall consist of the  
2 following members:

3 (1) One member from the House of Delegates Committee on Energy and one member  
4 from the Senate Committee on Energy;

5 (2) One designee from the Department of Economic Development's Office of Energy;

6 (3) One representative from each regulated electric service utility serving over 30,000  
7 customers;

8 (4) One representative from commercial or industrial energy customers or an association  
9 representing such customers;

10 (5) One representative from the Public Service Commission and one representative from  
11 the Consumer Advocate Division of the Public Service Commission;

12 (6) One representative from a regional transmission organization; and

13 (7) One representative from an engineering school or department from a state institution  
14 of higher education.

15 (b) The cochairs of the Legislature's Joint Committee on Energy shall serve as nonvoting,  
16 ex-officio members.

17 (c) When the commission meets for the first time, the members shall elect from among  
18 them a chairperson who will preside over meetings, set meeting agenda, and determine the time

19 and place of meetings.

20 (d) Each member of the commission not otherwise employed by the state shall be paid  
21 the same compensation, and each member of the commission shall be paid the expense  
22 reimbursement, as is paid to members of the Legislature for their interim duties as recommended  
23 by the Citizens Legislative Compensation Commission and authorized by law for each day or  
24 portion thereof engaged in the discharge of official duties. In the event the expenses are paid by  
25 a third party, the member shall not be reimbursed by the state.

**§5D-2-4. Powers and duties of the Legislative Commission on Energy Storage Resources.**

1 (a) The Legislative Commission on Energy Storage Resources shall:

2 (1) Meet at least biannually, or at the call of the chairperson. A quorum shall be a simple  
3 majority of the commission.

4 (2) Keep accurate records of the actions of the commission.

5 (3) Make recommendations to the Legislature as required by this article.

6 (b) At a minimum, the commission shall:

7 (1) Review state and federal law relating to the supply of energy, interstate transmission,  
8 accounting for costs, and rate setting;

9 (2) Assess the potential costs and benefits, including impacts to the transmission and  
10 distribution systems, of energy storage resources;

11 (3) Assess how electric utilities, competitive service providers, customers, and other third  
12 parties are able to deploy energy storage resources in the bulk market, in the utility system, and  
13 in behind-the-meter applications;

14 (4) Evaluate and analyze the regulatory, market, and local barriers to the deployment of  
15 distribution and transmission-connected energy storage resources to help integrate energy into  
16 the electrical grid, reduce costs for the electricity system, allow customers to deploy storage  
17 technologies to reduce their energy costs;

18 (5) Provide guidance to the Legislature on potential legislation relative to storage of energy  
19 in bulk operations;

20 (6) Establish workgroups and advisory committees as the commission deems necessary  
21 to address pertinent issues related to energy storage and to provide consistency in the  
22 development of further regulation.

23 (7) Consult with entities and persons with a particular expertise as the commission deems  
24 necessary in the fulfillment of their duties;

25 (8) Offer any additional guidance to the Legislature which the commission sees is within  
26 its scope which would further enhance the development and utilization of energy storage  
27 resources and the provision of secure, reliable power from multiple means of generation.

28 (9) The commission shall report its findings to the Joint Committee on Energy by  
29 December 31, 2022, and annually thereafter until the commission terminates pursuant to the  
30 provisions of this article. The report shall include, at a minimum, the following:

31 (A) Conclusions and recommendations to promote the development and use of energy  
32 storage resources;

33 (B) Recommendations for statutory and regulatory modifications to existing law;

34 (C) Identification of any action which may be taken by the Legislature to better foster the  
35 adoption and installation of as part of West Virginia infrastructure in both large-scale and individual  
36 consumer settings; and

37 (D) Any other ancillary issues relative to the development of alternative energy resources  
38 and reliable provision of energy.

**§5D-2-5. Sunset.**

1 The commission shall terminate on December 31, 2025, unless continued by act of the  
2 Legislature.

NOTE: The purpose of this bill is to establish a commission to study energy storage

resources and advise the Legislature as to measures to develop and promote energy storage solutions.

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