

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2892

By Delegate Young

[Introduced January 20, 2023; Referred to the
Committee on Government Organization then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §24-9-1, relating to prohibiting public utilities from terminating or disconnecting
3 services during a state disaster emergency declared by executive order; creating duty to
4 restore service; requiring public utility to enter into deferred payment agreement with
5 residential customer during state of emergency; prohibiting public utility from
6 disconnecting service for 180 days providing notice to residential customer; and
7 establishing right of public utilities to recover funds owed in normal course following the
8 state of emergency.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. SERVICES DURING STATE OF EMERGENCY.

**§24-9-1. Prohibition on disconnection of services during state of emergency; duty to
restore service; deferred payment agreement; and notice.**

1 (a) No public utility shall terminate or disconnect services to any residential customer for
2 the nonpayment of an overdue charge for the duration of a state of emergency declared pursuant
3 to executive order, provided that the residential customer enters into a deferred payment
4 agreement with the public utility that allows customer the ability to pay past due owed over a time
5 period that is at least the number of days that the state of emergency was in effect.

6 (b) As a part of the deferred payment agreement, the residential customer shall provide a
7 statement that attests to the existence of a financial hardship that has prevented them from
8 keeping their account current. The deferred payment agreement shall not require or impose a
9 down payment, late fees, or penalties.

10 (c) Public utilities shall have a duty to restore service, to the extent not already required
11 under this chapter, to any residential customer within 48 hours if such service has been terminated
12 during the pendency of the state of emergency.

13 (d) For a period of 180 days after the state of emergency is lifted or expires, no utility
14 corporation or municipality shall terminate or disconnect the service of a residential customer

15 because of defaulted deferred payment agreements or arrears owed to the public utility when such
16 customer has experienced a change in financial circumstances due to the state of emergency.

17 (e) Every public utility shall provide notice to residential customers, in a writing to be
18 included with a bill statement or, when appropriate, via electronic transmission the provisions of
19 this section and shall further make reasonable efforts to contact customers who have
20 demonstrated a change in financial circumstances due to the state of emergency for the purpose
21 of offering such customers a deferred payment agreement consistent with the provisions of this
22 article.

23 (f) Implementation of the provisions of this section shall not prohibit a utility or municipality
24 from recovering lost or deferred revenues after the lifting or expiration of the state of emergency,
25 pursuant to such means for recovery as are provided for in this code, and by means not
26 inconsistent with any of the provisions of this article. Nothing in this section shall prohibit a utility
27 corporation or municipality from disconnecting service necessary to protect the health and safety
28 of customers and the public.

NOTE: The purpose of this bill is to prohibit public utilities from terminating or disconnecting services during a state of emergency declared by executive order; to create a duty to restore service; to require public utility to enter into deferred payment agreement with residential customer during state of emergency; to prohibit public utility from disconnecting service for 180 days providing notice to residential customer; and to establish right of public utilities to recover funds owed in normal course following the state of emergency.

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