

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

## **House Bill 4711**

By Delegate Mallow

[Introduced January 15, 2024; Referred to  
the Committee on the Judiciary then Finance ]

1 A BILL to amend and reenact §24-2A-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to authorizing reduced rates for residential utility customers who are residents of a small  
 3 community with fewer than 1000 residents.

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

**ARTICLE 2A. REDUCED RATES FOR LOW-INCOME RESIDENTIAL CUSTOMERS  
 OF ELECTRICITY AND GAS.**

**§24-2A-5. Special rates for certain water, sewer, or combined water and sewer utility  
 customers.**

1 (a) The commission may authorize a privately owned water, sewer or combined water and  
 2 sewer utility to voluntarily implement a rate design featuring reduced rates and charges for service  
 3 for residential utility customers receiving:

- 4 (1) Social Security Supplemental Security Income (SSI);
- 5 (2) Temporary Assistance for Needy Families (TANF);
- 6 (3) Temporary Assistance for Needy Families-Unemployed Parent Program (TANF-UP); or
- 7 (4) Assistance from the Supplemental Nutrition Assistance Program (SNAP) if they are 60  
 8 years of age or older; or if

9 (5) The residential utility customers are residents of a small community with fewer than  
 10 1000 residents.

11 (b) The special reduced rate offered by each water, sewer, or combined water and sewer  
 12 utility to its eligible customers shall be a percentage less, which shall be approved by the  
 13 commission, than the rate that would be applicable to such customers if they were not receiving  
 14 any of the four forms of assistance that confer eligibility for the special reduced rates approved by  
 15 the commission: *Provided*, That such rate reduction shall may not exceed 20 percent of the rate  
 16 that would be otherwise applicable.

17 (c) Before any individual may qualify to receive the special reduced rates, the following

18 requirements ~~must~~ shall be met:

19 (1) The special reduced rates may apply only to current customers or to those persons who  
20 subsequently become customers in their own right. If an SSI, TANF, TANF-UP or SNAP recipient  
21 is living in a household that is served under the name of a person who is not an SSI, TANF, TANF-  
22 UP or SNAP recipient, that service may not be changed or have been changed subsequent to July  
23 1, 2011, to the name of the SSI, TANF, TANF-UP or SNAP recipient in order to qualify for service  
24 under the special reduced rates.

25 (2) The burden of proving eligibility for the special reduced rates ~~shall be~~ is on the customer  
26 requesting such rates. The Department of Health and Human Resources shall establish by rules  
27 and procedures:

28 (A) To inform persons receiving any of the four forms of assistance that confer eligibility for  
29 the special reduced rates about the availability of the special reduced rates;

30 (B) To assist applicants for the special reduced rates in proving their eligibility therefor; and

31 (C) To assist water, sewer, or combined water and sewer utilities offering the special  
32 reduced rates in determining on a continuing basis the eligibility therefor of persons receiving or  
33 applying for such rates.

34 The commission shall establish rules and procedures for the application for and provision  
35 of service under the special reduced rates and for the determination and certification of revenue  
36 deficiencies resulting from the special reduced rates: Provided, That the rules shall ensure that all  
37 residential utility customers who are residents of a small community with fewer than 1000  
38 residents have access to the utilities and are entitled to the special reduced rates, including the  
39 residents receiving benefits set out in subsection (a) (1), (2), (3), and (4) of this section.

40 (3) In order to provide each eligible residential utility customer the special reduced rates,  
41 each utility providing the special reduced rates shall credit against amounts otherwise owed by  
42 each customer an amount equal to the difference between the total amount that each customer  
43 was actually billed during the previous month and the total amount that each customer would have

44 been entitled to be billed under the special reduced rates. Each credit shall be fully reflected on the  
45 first bill issued to each customer after approval of each customer's application for the special  
46 reduced rates, except in cases where the interval between the approval and the issuance of the  
47 next bill is so short that it is administratively impracticable to do so, in which case, such credits  
48 shall be fully reflected on the second bill issued to each customer after approval of that customer's  
49 application. If the interval between the approval and the issuance of the next bill is 15 days or  
50 more, it may not be deemed administratively impracticable to reflect the credit on the customer's  
51 first bill.

NOTE: The purpose of this bill is to authorize the PSC to reduce rates for residential utility customers who are residents of a small community with fewer than 1000 residents, including recipients of (SSI), (TANF), (TANF-UP), or (SNAP).

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