

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4853

BY DELEGATES C. MARTIN, HANSHAW (MR. SPEAKER), P.

MARTIN, BUTLER AND FAST

[Introduced February 11, 2020; Referred to the Committee
on Technology and Infrastructure then the Judiciary]

1 A BILL to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating
 2 to prohibiting a noninvestor-owned water or sewer public utility from prohibiting a customer
 3 from constructing, installing, or maintaining a connection or other infrastructure necessary
 4 for the customer to connect to 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 non-investor-owned water or sewer public utility subject to the provisions
 14 of this chapter, to prohibit a customer of that public utility from constructing, installing, or
 15 maintaining, or hiring a contractor of the customer's choice, to construct, install, or maintain, any
 16 connection or other infrastructure necessary for the customer to connect to the public utility to
 17 receive service. However, a public utility subject to the provisions of this chapter may require that

18 all construction, installation, or maintenance be performed according to standards developed by
19 the public utility.

20 ~~Nothing in~~ This section ~~shall be construed to~~ does not prevent the commission from:

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

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

NOTE: The purpose of this bill is to prohibit a non-investor-owned water or sewer public utility 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.