

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

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 public service district or municipality that owns or operates a water or sewer
3 public utility from prohibiting a customer from constructing, installing, or maintaining a
4 connection or other infrastructure necessary for the customer to connect to the public utility
5 to receive service; and providing for requirements and conditions for the same.

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

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

13 (c) Notwithstanding any provision of this code to the contrary, a public service district or
14 municipality that owns or operates a water or sewer public utility subject to the provisions of this
15 chapter may not prohibit, or exercise any right of first refusal to prohibit, a customer from electing
16 to construct and install at the customer's expense, or hire a qualified contractor to construct and

17 install at the customer's expense, extensions of water distribution main, sewer main, connections
18 to customer service line or pipe, and associated equipment that are necessary for the customer
19 to connect to the public utility to receive service, subject however to the following requirements
20 and conditions:

21 (1) The customer and the utility must file an extension agreement in accordance with the
22 rules of the public service commission with the commission and obtain commission approval prior
23 to executing or implementing the agreement;

24 (2) The utility must provide the customer with its construction and installation specifications
25 and all construction and installation must comply with utility specifications.

26 (3) During and after construction and installation, the public utility must inspect the
27 extension to determine compliance with utility specifications;

28 (4) The utility shall approve the connection if the extension complies with utility
29 specifications; and

30 (5) After completion of construction, utility inspection and utility approval of the extension,
31 the utility may not initiate service until the customer transfers title to all extension facilities including
32 property, plant and rights-of-way or easements incidental to the furnishing of utility service.

33 (d) Nothing in This section shall be construed to does not prevent the commission from:

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

36 ~~(b)~~ (2) Authorizing a private water, sewer, or combined water and sewer utility to voluntarily
37 implement a rate design featuring reduced rates and charges for service to qualifying low-income
38 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.