WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2090

BY DELEGATE MARTIN AND FAST

[Introduced February 10, 2021; Referred to the Committee on Technology and Infrastructure then the Judiciary]
A BILL to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting a noninvestor-owned water or sewer public utility from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary 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.

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

It shall be unlawful for any public utility subject to the provisions of this chapter to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or any particular character of traffic or service, in any respect whatsoever, or to subject any particular person, firm, corporation, company or locality, or any particular character of traffic or service, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

It is unlawful for a non-investor-owned water or sewer public utility subject to the provisions of this chapter, to prohibit a customer of that public utility from constructing, installing, or maintaining, or hiring a contractor of the customer’s choice, to construct, install, or maintain, any connection or other infrastructure necessary for the customer to connect to the public utility to receive service. However, a public utility subject to the provisions of this chapter may require that
all construction, installation, or maintenance be performed according to standards developed by
the public utility.

Nothing in This section shall be construed to does not prevent the commission from:
(a) Authorizing or requiring any rate design consistent with the purposes and policies set
forth in §24-2A-1 et seq. of this code; or
(b) Authorizing a private water, sewer, or combined water and sewer utility to voluntarily
implement a rate design featuring reduced rates and charges for service to qualifying low-income
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.