

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 244

BY SENATORS MARTIN, NELSON, AND SWOPE

[Originating in the Committee on Transportation and
Infrastructure; reported on February 17, 2021]

1 A BILL to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating
2 to preventing public water and sewer utilities from prohibiting a customer from
3 constructing, installing, or maintaining a connection or other infrastructure necessary for
4 the customer to connect to the public utility to receive service if certain requirements are
5 met; and specifying requirements and involvement of the Public Service Commission.

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) No public service district or municipality that owns or operates a water or sewer public
14 utility may prohibit a customer, including any contractor of a customer, at the customer's expense,
15 from constructing, installing, or maintaining any connections, extensions, or other infrastructure
16 necessary for the customer to connect to the public utility if the following requirements are met:

17 (1) The customer and the utility file an extension agreement with the commission in
18 accordance with the rules of the Public Service Commission and obtain commission approval
19 prior to executing or implementing the agreement;

20 (2) The customer submits plans concerning all construction, installations, extensions, and
21 connections to the public utility to the applicable public service district or municipality at least 30
22 days prior to any connection to the public utility or any other work that could affect the public utility;

23 (3) The customer's plans and all work pursuant thereto comply with reasonable utility
24 practices and standards and meet or exceed the public utility's standards and practices: *Provided,*
25 That a customer shall not be required to exceed the standards followed by the public utility;

26 (4) The customer makes all stages of work relating to the public utility available for
27 inspection by the public service district or municipality;

28 (5) The customer shares any final construction plans with the public utility; and

29 (6) The customer or owner shall, upon completion of construction and connection to the
30 public utility, transfer ownership of such connections, extensions, property, plants, rights-of-way,
31 and easements to the public utility: *Provided,* That no transfer of ownership must be accepted by
32 a public utility past any service meter.

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.