

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3021

By Delegates Dillon, White, Dean, D. Cannon,

Bridges, and Kump

[Introduced February 27, 2025; referred to the

Committee on Energy and Public Works]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §5B-1-3a, relating to the power and authority of the Secretary of Commerce to
3 ensure competition among electric service providers in West Virginia and describing
4 expectations for reporting means of production, environmental, subsidy, and reserve
5 power information.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF COMMERCE.

**§5B-1-3a. Jurisdiction of the secretary of Department of Commerce to determine public
interest in permitting retail access to competition plan by legislature.**

1 (a) The Department of Commerce is the appropriate agency to adopt a plan whereby users
2 of electricity in the state would have open access across existing and new utility delivery systems
3 to a competitive market for power supply. The Department of Commerce shall develop such a plan
4 for submission to the Legislature for approval, hereafter designated in this section as a
5 "competition plan."

6 (b) Beginning July 1, 2025, any deregulation plan approved by the Legislature shall
7 include:

8 (1) Market-based competition between multiple, concurrent operators of electrical utilities
9 within the same given geographical regions of West Virginia, with consumers receiving relevant
10 information prior to choosing an electrical supplier, to include, but not be limited to, the following:

11 (A) Means of electrical production, including source of energy, process used in generation
12 process, and management process of waste products.

13 (B) Disclosure of subsidies received from federal, state, local, or any combination of the
14 three levels, that are received by the producer toward support of production.

15 (C) Statement of environmental management.

16 (D) Utility customer service rate options, billing schedule, terms, and conditions.

17 (c) They will also ensure that qualifications for prospective electrical utility operators

18 include provisions for at least 75% average daily utilization rate over a one year rolling period, and
19 10 percent reserve capacity beyond anticipated daily peak to provide robustness and flexibility to
20 the grid in times of disaster, disturbances, or both.

21 (d) Separate and distinct territories for maintenance of electrical grid and transmission
22 infrastructure which shall be separate, unrelated entities from the electrical utility operators.

23 (e) Electrical utility operators shall contract with maintenance operators and factor such
24 costs into the final rates offered to consumers.

NOTE: The purpose of this bill is to ensure competition among electric service providers in West Virginia and providing that the Department of Commerce is the proper agency to determine whether West Virginia should adopt a plan for competition.

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