

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 604

By Senator Stuart

[Introduced February 26, 2025; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend and reenact §24-2A-1 and §24-2A-5 of the Code of West Virginia, 1931, as
2 amended, relating to requiring the Department of Human Services to notify the Public
3 Service Commission that a person is eligible for a discount on their utility bills; requiring the
4 commission to order the utility to apply the reduced rate without requiring an application
5 from the customer; and requiring the Department of Health and the Public Service
6 Commission to adopt rules to implement those requirements.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2A. REDUCED RATES FOR LOW-INCOME RESIDENTIAL CUSTOMERS
OF ELECTRICITY AND GAS.**

**§24-2A-1. Special rates for gas and electric utility customers receiving Social Security
Supplemental Security Income (SSI), Aid to Families with Dependent Children
(AFDC), Aid to Families with Dependent Children--Unemployed (AFDC-U) or food
stamps.**

1 The commission shall order each gas and electric utility subject to its jurisdiction, except
2 municipal or cooperative gas or electric utilities, to offer special reduced rates applicable to gas
3 and electric service for the billing months of December, January, February, March and April of each
4 year (beginning with the billing month of December, 1983), to residential utility customers
5 receiving (a) social security supplemental security income (SSI), (b) aid to families with dependent
6 children (AFDC), (c) aid to families with dependent children-- unemployed (AFDC-U), or (d) food
7 stamps, if such food stamp recipients are sixty years of age or older. The special reduced rate
8 offered by each gas and electric utility to its eligible customers shall be 20 percent less than the
9 rate which would be applicable to such customers if they were not receiving any of the four forms
10 of assistance which confer eligibility for the special reduced rates. A customer of a utility offering
11 special reduced rates shall be eligible to receive such rates for each of the billing months of
12 December, January, February, March and April that correlates to a calendar month during which

that customer is eligible to participate in one or more of the qualifying programs specified in this section, except as otherwise provided in this section. The correlation of billing months to calendar months of eligibility to participate in a qualifying program is as follows: A December billing month correlates to the calendar month of November; a January billing month correlates to the calendar month of December; a February billing month correlates to the calendar month of January; a March billing month correlates to the calendar month of February; and an April billing month correlates to the calendar month of March. ~~After the billing month of April, 1984, no customer shall be eligible to receive the special reduced rates until the billing month in which that customer applies for such rates. For the billing months of December, 1983, and January, February, March and April, 1984, a customer shall be eligible to receive a utility's special reduced rates for any of said billing months which correlates to a calendar month during which that customer is eligible to participate in one or more of the qualifying programs specified in this section, regardless of the date on which that customer applies for such rates: *Provided*, That the date of application falls on or prior to May 15, 1984. No customer who applies for the special reduced rates after May 15, 1984 shall be eligible to receive such rates for any of the billing months of December, 1983 or January, February, March or April, 1984. Before any individual may qualify to receive the special reduced rates, the following requirements must be met:~~

(a) The special reduced rates shall apply only to current customers or to those persons who subsequently become customers in their own right. If an SSI, AFDC, AFDC- U or food stamp recipient is living in a household which is served under the name of a person who is not an SSI, AFDC, AFDC-U or food stamp recipient, that service may not be changed or have been changed subsequent to March 12, 1983 2025, to the name of the SSI, AFDC, AFDC-U or food stamp recipient in order to qualify for service under the special reduced rates.

~~(b) The burden of proving eligibility for the special reduced rates shall be on the customer requesting such rates. The department of human services~~ Department of Human Services shall establish by rules and regulations procedures (1) to inform persons receiving any of the four forms

of assistance which confer eligibility for the special reduced rates about the availability of the special reduced rates, (2) to assist ~~applicants~~ persons who are eligible for the special reduced rates in proving their eligibility therefor, ~~(3) To notify the commission of a person's eligibility for the special reduced rates;~~ and ~~(3)~~ (4) to assist gas and electric utilities offering the special reduced rates in determining on a continuing basis the eligibility therefor of persons receiving or applying for such rates. Upon notification from the Department of Human Services of a person's eligibility for the special reduced rates, the commission shall notify the subject utility of the person's eligibility and order that the utility apply the special reduced rates to that person's account. The commission shall establish by rules and regulations procedures for the ~~application for and~~ provision of service under the special reduced rates and for the determination and certification of revenue deficiencies resulting from the special reduced rates. Within 10 days of the effective date of this article, the commission and the department of human services shall adopt temporary rules and regulations, as required by this section, which rules and regulations shall not be subject to the requirements of §29A-1-1 *et seq.* and §24-1-7 of this code except that they shall be filed with the Secretary of State and published in the state register. These temporary rules and regulations shall remain in effect until supplanted by permanent rules and regulations, which shall be adopted by the commission and the ~~department of human services~~ Department of Human Services within 180 days of the effective date of this article. No customer who is a recipient of more than one of the four forms of assistance which confer eligibility for the special reduced rates shall be eligible for more than one 20 percent discount for gas service and one 20 percent discount for electric service during each billing month that said customer is eligible to receive the special reduced ~~§~~rates.

(c) In order to provide each eligible residential utility customer the special reduced rates for the billing months of December, ~~1983~~ 2025, through April, ~~1984~~ 2026, (hereinafter referred to as the first special-reduced-rate season), each utility providing the special reduced rates shall credit against the amount otherwise owed by each customer an amount equal to the difference between the total amount that each such customer was actually billed during the first special-reduced-rate

season and the total amount that each customer would have been entitled to be billed under the special reduced rates. Each such credit shall be fully reflected on the first bill issued to each such customer after approval of each such customer's application the commission has notified the utility that a customer is eligible for the special reduced rates, except in cases where the interval between the approval and the issuance of the next bill is so short that it is administratively impracticable to do so, in which cases such credits shall be fully reflected on the ~~second~~ next bill issued to each such customer ~~after approval of that customer's application~~. If the interval between the approval and the issuance of the next bill is 15 days or more, it shall not be deemed administratively impracticable to reflect such credit on the customer's first such bill.

§24-2A-5. Special rates for certain water, sewer, or combined water and sewer utility customers.

(a) The commission may authorize a privately owned water, sewer or combined water and sewer utility to voluntarily implement a rate design featuring reduced rates and charges for service for residential utility customers receiving:

- (1) Social Security Supplemental Security Income (SSI);
- (2) Temporary Assistance for Needy Families (TANF);
- (3) Temporary Assistance for Needy Families-Unemployed Parent Program (TANF-UP); or
- (4) Assistance from the Supplemental Nutrition Assistance Program (SNAP) if they are sixty years of age or older.

(b) The special reduced rate offered by each water, sewer, or combined water and sewer utility to its eligible customers shall be a percentage less, which shall be approved by the commission, than the rate that would be applicable to such customers if they were not receiving any of the four forms of assistance that confer eligibility for the special reduced rates approved by the commission: *Provided*, That such rate reduction shall not exceed 20 percent of the rate that would be otherwise applicable.

(c) Before any individual may qualify to receive the special reduced rates, the following

requirements must be met:

(1) The special reduced rates may apply only to current customers or to those persons who subsequently become customers in their own right. If an SSI, TANF, TANF-UP or SNAP recipient is living in a household that is served under the name of a person who is not an SSI, TANF, TANF-UP or SNAP recipient, that service may not be changed or have been changed subsequent to July 1, 2014 2025, to the name of the SSI, TANF, TANF-UP or SNAP recipient in order to qualify for service under the special reduced rates.

~~(2) The burden of proving eligibility for the special reduced rates shall be on the customer requesting such rates.~~ The Department of Human Services shall establish by rules and procedures:

(A) To inform persons receiving any of the four forms of assistance that confer eligibility for the special reduced rates about the availability of the special reduced rates;

(B) To assist ~~applicants~~ persons who are eligible for the special reduced rates in proving their eligibility therefor;

(C) To notify the commission of a person's eligibility for the special reduced rates; and

~~(D)~~ (D) To assist water, sewer, or combined water and sewer utilities offering the special reduced rates in determining on a continuing basis the eligibility therefor of persons receiving or applying for such rates.

Upon notification from the Department of Human Services of a person's eligibility for the special reduced rates, the commission shall notify the subject utility of the person's eligibility and order that the utility apply the special reduced rates to that person's account.

The commission shall establish rules and procedures for the ~~application for and~~ provision of service under the special reduced rates and for the determination and certification of revenue deficiencies resulting from the special reduced rates.

(3) In order to provide each eligible residential utility customer the special reduced rates, each utility providing the special reduced rates shall credit against amounts otherwise owed by

42 each customer an amount equal to the difference between the total amount that each customer
43 was actually billed during the previous month and the total amount that each customer would have
44 been entitled to be billed under the special reduced rates. Each credit shall be fully reflected on the
45 first bill issued to each customer after approval of each customer's application the commission has
46 notified the utility that a customer is eligible for the special reduced rates, except in cases where
47 the interval between the approval and the issuance of the next bill is so short that it is
48 administratively impracticable to do so, in which case, such credits shall be fully reflected on the
49 second next bill issued to each customer ~~after approval of that customer's application~~. If the
50 interval between the approval and the issuance of the next bill is 15 days or more, it may not be
51 deemed administratively impracticable to reflect the credit on the customer's first bill.

NOTE: The purpose of this bill is to require the Department of Human Services to notify the Public Service Commission that a utility customer is eligible for discounts on their utility bills and to require the Commission to order that the utility apply the discount without requiring the customer to apply for it.

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