

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 604

By Senators Stuart and Hart

[Reported March 11, 2025, from the Committee on
the Judiciary]

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 his or her utility bills;
4 requiring the commission to order the utility to apply the reduced rate without requiring an
5 application from the customer; amending manner in which applicable monthly discount is
6 calculated; clarifying that eligibility for discount is limited to named beneficiary recipients
7 and their spouses; and requiring the Department of Health and the Public Service
8 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)~~ Temporary Assistance for Needy Families (TANF), ~~Aid to Families with~~
~~Dependent Children--Unemployed (AFDC-U)~~ Temporary Assistance for Needy
Families-Unemployed Parent Program (TANF-UP), or ~~food stamps~~ Supplemental
Nutrition Assistance Program (SNAP).**

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
4 each year ~~(beginning with the billing month of December, 1983)~~, to residential utility customers
5 receiving (a) (1) social security supplemental security income (SSI), ~~(b) (2) aid to families with~~
6 ~~dependent children (AFDC)~~ Temporary Assistance for Needy Families (TANF), ~~(c) (3) aid to~~
7 ~~families with dependent children--unemployed (AFDC-U)~~ Temporary Assistance for Needy
8 Families-Unemployed Parent Program (TANF-UP), or ~~(d) (4) food stamps assistance from the~~

9 Supplemental Nutrition Assistance Program (SNAP), if such the food stamp recipients are sixty 60
10 years of age or older. The special reduced rate offered by each gas and electric utility to its eligible
11 customers shall be 20 percent less than the rate which would be applicable to such the customers
12 if they were not receiving any of the four forms of assistance which confer eligibility for the special
13 reduced rates. A customer of a utility offering special reduced rates shall be is eligible to receive
14 such rates for each of the billing months of December, January, February, March, and April that
15 correlates to a calendar month during which that customer is eligible to participate in one or more
16 of the qualifying programs specified in this section, except as otherwise provided in this section.
17 ~~The correlation of billing months to calendar months of eligibility to participate in a qualifying~~
18 ~~program is as follows: A December billing month correlates to the calendar month of November; a~~
19 ~~January billing month correlates to the calendar month of December; a February billing month~~
20 ~~correlates to the calendar month of January; a March billing month correlates to the calendar~~
21 ~~month of February; and an April billing month correlates to the calendar month of March. The~~
22 ~~discount applies to revenue months determined by the utility from December through April. After~~
23 ~~the billing month of April, 1984, no customer shall be eligible to receive the special reduced rates~~
24 ~~until the billing month in which that customer applies for such rates. For the billing months of~~
25 ~~December, 1983, and January, February, March and April, 1984, a customer shall be eligible to~~
26 ~~receive a utility's special reduced rates for any of said billing months which correlates to a calendar~~
27 ~~month during which that customer is eligible to participate in one or more of the qualifying~~
28 ~~programs specified in this section, regardless of the date on which that customer applies for such~~
29 ~~rates: *Provided*, That the date of application falls on or prior to May 15, 1984. No customer who~~
30 ~~applies for the special reduced rates after May 15, 1984 shall be eligible to receive such rates for~~
31 ~~any of the billing months of December, 1983 or January, February, March or April, 1984. Before~~
32 ~~any individual may qualify to receive the special reduced rates, the following requirements must be~~
33 ~~met:~~

34 (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 TANF~~, ~~AFDC-U TANF-UP~~, or ~~food stamp SNAP~~ recipient is living in a household which is served under the name of a person who is not an SSI, ~~AFDC TANF~~, ~~AFDC-U TANF-UP~~ or ~~food stamp SNAP~~ recipient, that service may not be changed or have been changed subsequent to March 12, ~~1983~~ 2025, to the name of the SSI, ~~AFDC TANF~~, ~~AFDC-U TANF-UP~~, or ~~food stamp SNAP~~ recipient in order to qualify for service under the special reduced rates. For SSI and SNAP benefits recipients, the account shall be in the name of the payee, a recipient, or a recipient's spouse. For TANF and TANF-UP recipients, utility service must be in the name of the payee, or an adult recipient listed on the application according to Department of Human Services verification of the account holder and his or her date of birth.

(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~~ 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~~ To assist ~~applicants~~ persons who are eligible for the special reduced rates in proving their eligibility ~~therefor~~, (3) To obtain from eligible persons a waiver of confidentiality regarding receipt of any of the forms of assistance that confer eligibility; (4) To provide the utility offering the special reduced rates sufficient information for the utility to determine if the person is a current customer so that the utility may commence providing utility service at the special reduced rate; (5) To notify the applicable utility of a person's eligibility for the special reduced rates; and (3) ~~(6)~~ (6) to 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 the rates. Upon notification from the Department of Human Services of a person's eligibility for the special reduced rates, the utility shall 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 within 180 days of the effective date of this article.~~ No A 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~~ is not 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~~ the 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~~ the 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~~ the customer after ~~approval of each such customer's application~~ the Department of Human Services 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~~ the 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~~ the 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~~ 60 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~~ the 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~~ the 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~~ shall 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 respective utility company of a person's eligibility for the special reduced rates; and

~~(C)~~ (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 the rates.

(d) Upon notification from the Department of Human Services of a person's eligibility for the special reduced rates, the utility shall apply the special reduced rates to that person's account.

(e) 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)~~ (f) 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 each customer an amount equal to the difference between the total amount that each customer was actually billed during the previous month and the total amount that each customer would have been entitled to be billed under the special reduced rates. Each credit shall be fully reflected on the first bill issued to each customer after ~~approval of each customer's application~~ the Department of Human Services 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 case, ~~such~~ the credits shall be fully reflected on the ~~second~~ next bill issued to each 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 ~~may not be deemed~~ is not administratively impracticable to reflect the credit on the

CS for SB 604

52 customer's first bill.