

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 605**

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 the Code of West Virginia, 1931, as amended, by adding three new sections,  
2 designated §8-19-23, §16-13A-26, and §24-2-22, relating to requiring any public or private  
3 entity that owns, leases, or oversees a water supply or electrical supply utility to implement  
4 a Utility Continuity Rate Credit Program; setting definitions; setting forth the circumstances  
5 under which a utility customer is entitled to a continuity credit; setting forth the  
6 circumstances in which a utility provider may deny or must approve of a continuity credit;  
7 defining the maximum amounts and manner in which a continuity credit shall be applied to  
8 a customer's account; and requiring municipalities, counties, and the Public Service  
9 Commission to adopt rules and policies.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 19. MUNICIPAL AND COUNTY WATERWORKS AND ELECTRIC POWER SYSTEMS.**

#### **§8-19-23. Utility Continuity Rate Credit Program.**

1 (a) Commencing July 1, 2025, any municipality or county that owns or leases a waterworks  
2 system or electrical power system shall establish a Utility Continuity Rate Credit Program.

3 (b) For purposes of this section, the following definitions apply:

4 (1) "Continuity Credit" means the credit established by subsection (a) of this section.

5 (2) "Electricity outage" means a continuous period during which there is no power being  
6 supplied to a home due to no fault of the customer. *Provided*, That intermittent periods during  
7 which electricity is temporarily restored during an otherwise continuous electricity outage may not  
8 be deemed as creating separate electricity outages.

9 (3) "Qualifying outage" means:

10 (A) For purposes of a Continuity Credit from an electrical power system—

11 (i) Any planned or unplanned continuous electricity outage that lasts for 24 hours or more;

12 or

13 (ii) Two or more planned or unplanned continuous electricity outages that last for 8 hours or  
14 more within any 30-day period.

15 (B) For purposes of a Continuity Credit from a waterworks system—

16 (i) Any planned or unplanned water outage that lasts for 24 hours or more;

17 (ii) Two or more planned or unplanned water outages that last for 8 hours or more within  
18 any 30-day period;

19 (iii) Any boil water advisory or "brown water" periods that last for 48 hours or more.

20 (4) "Public utility" means an electrical power system or waterworks system that is owned or  
21 leased by a municipality or county or combination thereof.

22 (4) "Qualifying purchase" means:

23 (A) For purposes of a Continuity Credit from an electrical power system, any one or a  
24 combination of—

25 (i) An electric power generator;

26 (ii) A transfer switch; and

27 (iii) Costs to install the electric power generator and transfer switch for use as a whole-  
28 home generator.

29 (B) For purposes of a Continuity Credit from a waterworks system, any one or a  
30 combination of—

31 (i) An inline water collection tank; and

32 (ii) Costs to install the inline water collection tank.

33 (5) "Water outage" means a continuous period during which the peak amount of water  
34 being provided to a residence is less than 5gpm due to no fault of the customer. *Provided*, that  
35 intermittent periods during which the peak amount of water being supplied to a residence exceeds  
36 5gpm during an otherwise continuous water outage may not be deemed as creating separate  
37 water outages.

(c) A public utility customer is entitled to a Continuity Credit if the customer :

(1) Experienced a qualifying outage;

(2) Was a customer of the public utility when the outage occurred;

(3) Made a qualifying purchase within 60 days following the qualifying outage,

(4) Submitted an application for the Continuity Credit within 30 days following the qualifying purchase, including documentation to verify the qualifying purchase and a statement as to when the qualifying outage occurred; and

(5) Has not received a Continuity Credit from the public utility within the ten years preceding the qualifying outage.

(d) Within 30 days following receipt of an application for a Continuity Credit, the public utility shall either:

(1) Notify the customer that his or her application was approved; or

(2) Notify both the customer and the Public Service Commission that the customer's application was denied, together with an explanation as to why the application was denied. *Provided*, That the public utility may only deny an application if the customer fails to satisfy one of the conditions set forth in subsection (c), in which case the customer shall be afforded an opportunity to correct his or her application.

(e) An approved Continuity Credit shall:

(1) Be equal to 50% of the qualifying purchase;

(2) Not exceed \$2,500;

(3) Be amortized over a 24-month period and applied monthly against every successive payment; and

(4) Begin on the first calendar month following the date on which the application was approved.

(f) No public utility may use the requirements set forth in this section as a justification to raise its rates.

(g) All municipalities and counties that own or lease a waterworks system or electrical power system shall develop policies and a Continuity Credit application form to implement and make effective the program established by this section.

(h) The Public Service Commission shall promulgate rules in accordance with §29A-1-1 et seq. of this code to oversee the public utilities that are subject to this section.

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 13A. PUBLIC SERVICE DISTRICTS.**

<b>§16-13A-26.</b>	<b>Utility</b>	<b>Continuity</b>	<b>Rate</b>	<b>Credit</b>	<b>Program.</b>
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(a) Commencing July 1, 2025, every county commission that has one or public service districts shall establish a Utility Continuity Rate Credit Program.

(b) For purposes of this section, the following definitions apply:

(1) "Continuity Credit" means the credit established by subsection (a) of this section.

(2) "Qualifying outage" means:

(A) Any planned or unplanned water outage that lasts for 24 hours or more;

(B) Two or more planned or unplanned water outages that last for 8 hours or more within any 30-day period; or

(C) Any boil water advisory or "brown water" periods that last for 48 hours or more.

(3) "Qualifying purchase" means any one or a combination of:

(A) An inline water collection tank; and

(B) Costs to install the inline water collection tank.

(4) "Water outage" means a continuous period during which the peak amount of water being provided to a home is less than 5gpm due to no fault of the customer. *Provided*, that intermittent periods during which the peak amount of water being supplied to a residence exceeds 5gpm during an otherwise continuous water outage may not be deemed as creating separate water outages.

18 (c) A public service district customer is entitled to a Continuity Credit if the customer :

19 (1) Experienced a qualifying outage;

20 (2) Was a customer of the public service district when the outage occurred;

21 (3) Made a qualifying purchase within 60 days following the qualifying outage;

22 (4) Submitted an application for the Continuity Credit within 30 days following the qualifying  
23 purchase, including documentation to verify the qualifying purchase and a statement as to when  
24 the qualifying outage occurred; and

25 (5) Has not received a Continuity Credit from the public service district within the ten years  
26 preceding the qualifying outage.

27 (d) Within 30 days following receipt of an application for a Continuity Credit, the public  
28 service district shall either:

29 (1) Notify the customer that his or her application was approved; or

30 (2) Notify both the customer and the county commission that the customer's application  
31 was denied, together with an explanation as to why the application was denied. *Provided*, That the  
32 public service district may only deny an application if the customer fails to satisfy one of the  
33 conditions set forth in subsection (c), in which case the customer shall be afforded an opportunity  
34 to correct his or her application.

35 (e) An approved Continuity Credit shall:

36 (1) Be equal to 50% of the qualifying purchase;

37 (2) Not exceed \$2,500;

38 (3) Be amortized over a 24-month period and applied monthly against every successive  
39 payment; and

40 (4) Begin on the first calendar month following the date on which the application was  
41 approved.

42 (f) No public service district may use the requirements set forth in this section as a  
43 justification to raise its rates.

44 (g) The county commission shall develop policies and a Continuity Credit application form  
 45 to implement and make effective the program established by this section.

## CHAPTER 24. PUBLIC SERVICE COMMISSION.

### ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

**§24-2-22.                    Utility                    Continuity                    Rate                    Credit                    Program.**

1 (a) Commencing July 1, 2025, the Public Service Commission shall establish a Utility  
 2 Continuity Rate Credit Program.

3 (b) For purposes of this section, the following definitions apply:

4 (1) "Continuity Credit" means the credit established by subsection (a) of this section.

5 (2) "Electricity outage" means a continuous period during which there is no power being  
 6 supplied to a home due to no fault of the customer. *Provided*, That intermittent periods during  
 7 which electricity is temporarily restored during an otherwise continuous electricity outage may not  
 8 be deemed as creating separate electricity outages.

9 (3) "Qualifying outage" means:

10 (A) For purposes of a Continuity Credit from an electricity utility—

11 (i) Any planned or unplanned continuous electricity outage that lasts for 24 hours or more;  
 12 or

13 (ii) Two or more planned or unplanned continuous electricity outages that last for 8 hours or  
 14 more within any 30-day period.

15 (B) For purposes of a Continuity Credit from a water supply utility—

16 (i) Any planned or unplanned water outage that lasts for 24 hours or more;

17 (ii) Two or more planned or unplanned water outages that last for 8 hours or more within  
 18 any 30-day period;

19 (iii) Any boil water advisory or "brown water" periods that last for 48 hours or more.

20 (4) "Qualifying purchase" means:

(A) For purposes of a Continuity Credit from an electricity utility, any one or a combination of—

(i) An electric power generator;

(ii) A transfer switch; and

(iii) Costs to install the electric power generator and transfer switch for use as a whole-home generator.

(B) For purposes of a Continuity Credit from a water utility, any one or a combination of—

(i) An inline water collection tank; and

(ii) Costs to install the inline water collection tank.

(5) "Water outage" means a continuous period during which the peak amount of water being provided to a home is less than 5gpm due to no fault of the customer. *Provided*, that intermittent periods during which the peak amount of water being supplied to a residence exceeds 5gpm during an otherwise continuous water outage may not be deemed as creating separate water outages.

(c) A utility company customer is entitled to a Continuity Credit if the customer :

(1) Experienced a qualifying outage;

(2) Was a customer of the utility company when the outage occurred;

(3) Made a qualifying purchase within 60 days following the qualifying outage,

(4) Submitted an application for the Continuity Credit within 30 days following the qualifying purchase, including documentation to verify the qualifying purchase and a statement as to when the qualifying outage occurred; and

(5) Has not received a Continuity Credit from the utility company within the ten years preceding the qualifying outage.

(d) Within 30 days following receipt of an application for a Continuity Credit, the utility company shall either:

(1) Notify the customer that his or her application was approved; or



47       (2) Notify both the customer and the commission that the customer's application was  
48 denied, together with an explanation as to why the application was denied. *Provided*, That the  
49 utility company may only deny an application if the customer fails to satisfy one of the conditions  
50 set forth in subsection (c), in which case the customer shall be afforded an opportunity to correct  
51 his or her application.

52       (e) An approved Continuity Credit shall:

53       (1) Be equal to 50% of the qualifying purchase;

54       (2) Not exceed \$2,500;

55       (3) Be amortized over a 24-month period and applied monthly against every successive  
56 payment; and

57       (4) Begin on the first calendar month following the date on which the application was  
58 approved.

59       (f) No utility company may use the requirements set forth in this section as a justification to  
60 raise its rates.

61       (g) The commission shall promulgate rules in accordance with §29A-1-1 *et seq.* of this  
62 code and develop a Continuity Credit application form to implement and make effective the  
63 program established by this section.

NOTE: The purpose of this bill is to require any public or private entity that owns, leases, or oversees a water supply or electrical supply utility to implement a Utility Continuity Rate Credit Program. The bill sets forth definitions. The bill sets forth the circumstances under which a utility customer is entitled to a continuity credit. The bill sets forth the circumstances in which a utility provider may deny or must approve of a continuity credit. The bill determines the maximum amounts and manner in which a continuity credit shall be applied to a customer's account. Finally, the bill requires municipalities, counties, and the Public Service Commission to adopt rules and policies.

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