

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 803

By Senators Phillips, Hart, and Rose

[Introduced March 19, 2025; referred
to the Committee on Economic Development]

1 A BILL to amend and reenact §24-1-7 of the Code of West Virginia, 1931, as amended; and to
2 amend the code by adding a new article, designated §24-9-1, relating to rules and data
3 centers; making the rules and regulations of the Public Service Commission subject to
4 legislative rule-making review procedures; providing definitions; providing legislative
5 findings; and requiring oversight from the Legislative Rule-Making Review Committee on
6 data centers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS.

§24-1-7. Rules of procedure; commission not bound by rules of evidence or pleadings; inscription on, use of and judicial notice of seal.

1 The commission shall prescribe such rules and regulations as may be necessary to carry
2 out the provisions of this chapter, including rules of procedure and for taking evidence in all
3 matters that may come before it, and enter such orders as may be just and lawful: ~~Provided, That~~
4 ~~no such rule or regulation shall be effective unless promulgated pursuant to the provisions of~~
5 ~~sections one through ten, article three, chapter twenty-nine a of this code: *Provided, however,*~~
6 ~~That no such rule or regulation shall become effective until sixty days after its final adoption or until~~
7 ~~the effective date proposed by the commission, whichever is later: *Provided further,* All such rules~~
8 ~~or regulations shall be promulgated pursuant to the provisions of §29A-3-1 *et seq.* of this code:~~
9 *Provided,* That any rules and regulations promulgated prior to the effective date of this section
10 shall remain in full force and effect unless changed, modified or repealed in accordance herewith.
11 ~~The rules and regulations promulgated hereunder by the Public Service Commission shall not be~~
12 ~~subject to the legislative rule-making review procedures established in sections eleven through~~
13 ~~fifteen, article three, chapter twenty-nine a of this code.~~ In the investigations, preparations and
14 hearings of cases, the commission shall not be bound by the technical rules of pleading and
15 evidence, but in that respect it may exercise such discretion as will facilitate its efforts to
16 understand and learn all the facts bearing upon the right and justice to the matters before it.

17 Meetings of the commission wherein the sole purpose is to decide or deliberate toward a
18 decision on any matter are exempt from the requirements of article nine-a, chapter six of this code,
19 any other provision of this code to the contrary notwithstanding.

20 All orders of the commission shall set forth separately findings of facts and conclusions of
21 law, which findings of fact shall make specific reference to the evidence in the record which
22 supports such findings.

23 The commission shall have a seal bearing the following inscription: "The Public Service
24 Commission of West Virginia." The seal shall be affixed to all writs and authentications of copies of
25 records, and to such other instruments as the commission shall direct. All courts shall take judicial
26 notice of said seal.

ARTICLE 9. DATA CENTERS.

§24-9-1. Legislative findings; definitions, and rule-making authority.

(a) Legislative findings:

1 The legislature finds that as companies like Amazon, Google, and Microsoft expand their
2 data center footprints, utilities are cutting special energy deals that often lack transparency and
3 could inflate electricity rates for everyday consumers.

(b) Definitions:

4 "Data center" means a physical location that stores computing machines and their related
5 hardware equipment and contains the computing infrastructure that IT systems require, such as
6 servers, data storage drives, and network equipment.

(c) Rule-making authority:

7 All new technology services including data centers shall propose rules in accordance with
8 the provisions of §29A-3-1 et seq. of this code.

NOTE: The purpose of this bill is to make the rules and regulations of the Public Service Commission subject to legislative rule-making review procedures and provide oversight from the Legislative Rule-Making review process of all new technology service (Data Centers) used by utility companies.

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