

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4481

By Delegates Akers, Riley, and Fehrenbacher

[Originating in the Committee on Energy and Public

Works, February 19, 2026.]

A BILL to amend the Code of West Virginia, 1931, as amended by adding a new article, designated §24-2J-1, §24-2J-2, §24-2J-3, §24-2J-4, §24-2J-5, and §24-2J-6, all relating to the creation of the Electric Load Forecast Accountability Act; providing for a short title, findings, and purpose; providing oversight and reporting by the Public Service Commission concerning electric load forecasting; providing access to and protections from disclosure of confidential documents; providing for annual reporting and defining report contents; and creating a sunset date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2J. ELECTRIC LOAD FORECAST ACCOUNTABILITY ACT.

§24-2J-1. Short Title

This act shall be known as the "Electric Load Forecast Accountability Act."

§24-2J-2. Legislative Findings and Purpose.

(a) The Legislature finds that:

(1) Recent reports by PJM Interconnection, L.L.C. (PJM), have highlighted that electricity demand across the PJM footprint, including West Virginia, is projected to grow due to data centers, electrification of vehicles and buildings, and other large load additions;

(2) PJM relies upon estimates submitted by utilities and other companies across its system to estimate future electricity needs, which have associated costs;

(3) Accurate load forecasting ensures adequate electric supply and protects West Virginia consumers from unnecessary costs caused by electrical resource mismanagement; and

(4) The current process by which entities submit load estimates to PJM, requires confidence and transparency so policymakers, regulators, and stakeholders can make the best possible decisions.

(b) The purpose of this article is to provide the Public Service Commission of West Virginia the authority and responsibility, in accordance with its existing powers under §24-1-1 et seq. of this code, to:

15 (1) Review and validate load forecasts submitted by West Virginia utilities and other
16 companies to PJM;

17 (2) Coordinate with PJM and other states to ensure accurate planning and prevent
18 duplicative counting of projects; and

19 (3) Access all relevant and necessary materials, including confidential agreements
20 necessary to maintain effective oversight.

§24-2J-3. Oversight of Load Forecasting.

1 (a) The Public Service Commission shall, pursuant to its authority under this code,
2 investigate methodologies, data, and assumptions used to develop load forecasts submitted to the
3 commission and to PJM.

4 (b) As part of the investigation, the commission shall:

5 (1) Review all materials, data sets, and filings provided by utilities to the commission and to
6 PJM which concern load forecasting, as authorized by §24-1-1 *et seq.* of this code;

7 (2) Evaluate the accuracy, consistency, and transparency of forecasting methods and
8 assumptions;

9 (3) Review and audit specific load interconnection requests filed with PJM to ensure that
10 only those projects that have a high likelihood of being developed are included in load forecasts.

11 As part of this evaluation, the commission shall consider financial commitments of the
12 interconnecting customer for its project and milestones such as executed agreements or deposits;

13 (4) Coordinate directly with PJM to ensure that West Virginia's utility forecasts are
14 incorporated into PJM's regional planning on a fair, accurate, and non-duplicative basis; and

15 (5) Work jointly with PJM and other state utility commissions or entities within the PJM
16 footprint to ensure that new large loads and customer contracts are not incorrectly counted across
17 jurisdictions and recommend policies and legal changes to improve load forecasting.

§24-2J-4. Confidentiality.

1 (a) The commission shall have authority to review and access any contracts, agreements,

2 or commitments between interconnecting customers, prospective customers, and West Virginia
3 utilities that impact load forecasting assumptions.

4 (b) Electric utilities shall provide such contracts, agreements, or commitments
5 contemplated by this section to the commission upon request, subject to appropriate
6 confidentiality protections. Nothing in this section shall affect non-disclosure agreements between
7 a utility and an existing or perspective customer which agreement prohibits disclosures without
8 customer's consent.

9 (c) Notwithstanding any provision of this chapter or the West Virginia Code, including the
10 West Virginia Freedom of Information Act, individual customer data obtained by the Public Service
11 Commission from a utility or directly from a customer shall be confidential and exempt from public
12 disclosure. This exemption shall apply to data of the individual customers or potential customers
13 pertaining to their business plans, facility locations, capacity and energy requirements, and timing
14 of the need for such requirements. The Commission shall protect such data from public disclosure
15 without the need for hearings or public input regarding the lawfulness of protecting the data from
16 public disclosure. This exemption applies to individual customer plans and data provided to the
17 Commission directly by the customer or acquired, estimated, modeled or developed by a utility
18 and provided to the Commission.

19 (d) The commission may aggregate data limited to capacity and energy requirements and
20 make such aggregate data public, provided that it is determined solely by the Commission, in its
21 discretion and without the need to conduct hearing thereon, that the aggregated data includes a
22 sufficiently large and diverse sample of customers, and that a knowledgeable person, using
23 publicly available information or reasonable analytical methods, could not infer, reconstruct, or
24 approximate the capacity of energy requirement or other protected information of any individual
25 customer.

§24-2J-5.

Reporting.

1 (a) The Public Service Commission shall compile and publish on the commission's website

a written report no later than December 31, 2026, and every year thereafter, concerning the implementation of this article and its findings, progress, and recommendations.

(b) The report shall describe:

(1) The commission's efforts to implement this article during the prior year;

(2) Findings from its review of load forecasting processes and materials submitted by West Virginia utilities to PJM, including any identified inaccuracies or recommendations for utility improvements;

(3) Any coordination undertaken with PJM and other states to prevent duplicative counting of projects and customer contracts; and

(4) Recommendations for legislative or regulatory changes to further improve load forecasting oversight and reliability.

(5) Any other information determined by the PSC to be relevant to the adoption of sound public policy concerning electrical resource planning.

§24-2J-6. Sunset Date.

This Act shall sunset on December 31, 2031, unless otherwise reenacted by the Legislature.