

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1041

FISCAL
NOTE

By Senators Rose, Helton, M. Maynard, Rucker and

Tarr

[Introduced February 21, 2026; referred
to the Committee on Energy, Industry, and Mining;
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §24-2J-1, §24-2J-2, §24-2J-3, §24-2J-4, §24-2J-5, and §24-2J-6, relating to
 3 the Energy Economic Load Dispatch Act; providing a short title; and providing operational
 4 impact standards for the Public Service Commission when reviewing for certificates of
 5 public convenience and necessity, integrated resource planning, retail rate recovery and
 6 prudence reviews, and certification, siting, and permitting authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2J. ENERGY ECONOMIC LOAD DISPATCH ACT.

§24-2J-1. Short title.

1 This article shall be known and cited as the "Energy Economic Load Dispatch Act".

§24-2J-2. Certificates of public convenience and necessity.

1 (a) West Virginia Code §24-2-11 requires a utility to obtain a certificate of public
 2 convenience and necessity from the Public Service Commission before constructing electric
 3 generation facilities. Pursuant to §24-2-11(a) of this code, a new legal requirement to satisfy the
 4 existing processes is necessary to create compliance with the True Cost Economic Load
 5 Dispatch, a condition for:

- 6 (1) Receiving a certificate of public convenience and necessity;
- 7 (2) Retaining a certificate of public convenience and necessity;
- 8 (3) Receiving siting approval; and
- 9 (4) Expanding or modifying a generating facility.

10 (b) This requirement shall also provide the Public Service Commission explicit authority to
 11 condition, suspend, or revoke certificates for failure to comply with this article.

§24-2J-3. Integrated resource planning.

1 (a) West Virginia Code §24-2-19 requires electric utilities to prepare integrated resource
 2 plans for submission to the Public Service Commission for review. These plans analyze future
 3 electric supply, demand, and resource choices. Pursuant to §24-2-19 of this code, when reviewing

4 integrated resource plans, the Public Service Commission shall require the utility company to
5 include:

- 6 (1) Resource adequacy planning;
- 7 (2) Reliability planning; and
- 8 (3) Integrated resource plans, including subsidies and externalities.

9 (b) This requirement shall provide the Public Service Commission with a statutory planning
10 standard when reviewing integrated resource plans.

§24-2J-4. Retail rate recovery & prudence reviews.

1 (a) Under Chapter 24 of this code, the Public Service Commission has sole discretion as to
2 whether utility costs were prudently incurred before allowing those costs to be recovered from
3 ratepayers. This happens in:

- 4 (1) General rate cases;
- 5 (2) Fuel adjustment cases; and
- 6 (3) Prudence reviews tied to major projects.

7 (b) Pursuant to Chapter 24 of this code, a new statutory presumption shall be implemented
8 which provides that if a utility relies on dispatch or planning decisions that do not comply with True
9 Cost Economic Load Dispatch, those costs are presumed imprudent and cannot be recovered
10 from customers.

§24-2J-5. Public Service Commission certification, siting, and permitting authority.

1 The article shall impact on how the Public Service Commission exercises authority under
2 existing siting and certification laws by:

- 3 (1) Requiring compliance with §22-2-1 et seq. of this code a prerequisite for approvals;
- 4 (2) Requiring the Public Service Commission to deny or condition approvals if utilities rely
5 on non-compliant regional transmission organization dispatch outcomes; and
- 6 (3) Requiring alternative state-approved analyses when regional transmission
7 organizations fail to provide data.

§24-2J-6. Operational impact.

- 1 The Public Service Commission shall implement this act when utilizing decision-making
- 2 authority under Chapter 24 of this code.

NOTE: The purpose of this bill is to create the Energy Economic Load Dispatch Act.

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