

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 20**

By Senators Rose, Phillips, Roberts, and Hart

[Reported January 30, 2026, from the Committee on  
Energy, Industry, and Mining]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §24-9-1 and §24-9-2, relating to creating the Stable Energy Rates Protection Act; prohibiting the Public Service Commission from taking certain action on certain rate increase requests related to intermittent power sources; providing exceptions; and requiring annual report to the Legislature.

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

**ARTICLE 9. THE STABLE ENERGY RATES PROTECTION ACT.**

**§24-9-1. Stable Energy Rates Protection Act created.**

(a) This article is known and may be cited as the Stable Energy Rates Protection Act.

(b) Prohibition on Rate Basis for Intermittent Power Sources. – Notwithstanding any provision of this code to the contrary, the Public Service Commission may not approve, consider, nor incorporate into any new fee or any fee or rate increase any costs associated with construction, operation, maintenance, or decommissioning of:

(1) An energy facility that produces power solely from an intermittent power source; nor

(2) Any intermittent power source-related component of an energy facility that produces power from an intermittent power source.

(c) As used in this article, “intermittent power source” means an energy source:

(1) Whose electrical output is inherently variable and not continuously available due to its dependence on external natural conditions; and

(2) That cannot be fully controlled or dispatched on demand.

(d) Existing Contracts. – The prohibition in subsection (b) of this section does not apply to costs associated with any contract executed prior to the effective date of this article, except that a rate increase after the effective date may not be based on expansion of any such contract nor any new commitment to an energy project using an intermittent power source under any such contract.

(e) The prohibition in subsection (b) of this section applies to any new fee or any fee or rate increase that affects a ratepayer in this state, regardless of whether the energy facility is located

19 within or outside this state.

20 (f) The Commission shall review all pending rate cases and adjust any current or proposed

21 new fee or rate or fee increase consistent with this section.

**§24-9-2. Report.**

1 The Public Service Commission shall report annually to the Legislature regarding:

2 (1) An assessment of the impact of this article on energy rates and reliability in the state;

3 and

4 (2) Any recommendations for ensuring energy affordability and reliability in the state.