

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 391**

4 (By Senators Laird, Unger, Prezioso, Stollings, Edgell, Sypolt,
5 D. Facemire, Snyder, Yost, Green, Wells, Miller, Browning,
6 Jenkins, Plymale, Beach, Foster and Tucker)

7 _____
8 [Originating in the Committee on the Judiciary;
9 reported February 3, 2012.]
10 _____

11
12 A BILL to amend and reenact §24-2A-1 of the Code of West Virginia,
13 1931, as amended, relating to reduced utility rates for low-
14 income residential customers.

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

16 That §24-2A-1 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 2A. REDUCED RATES FOR LOW-INCOME RESIDENTIAL CUSTOMERS OF**
19 **ELECTRICITY AND GAS.**

20 **§24-2A-1. Special rates for gas and electric utility customers.**

21 (a) The commission shall order each gas and electric utility
22 subject to its jurisdiction, except municipal or cooperative gas or
23 electric utilities, to offer special reduced rates applicable to
24 gas and electric service for the billing months of December,
25 January, February, March and April of each year (beginning with the

1 billing month of December, 1983) to residential utility customers
2 receiving:

3 ~~(a)~~ (1) Social Security Supplemental Security Income (SSI);

4 ~~(b) aid to families with dependent children (AFDC),~~ (2)
5 Temporary Assistance for Needy Families (TANF);

6 ~~(c) aid to families with dependent children--unemployed~~
7 ~~(AFDC-U) or (d) food stamps,~~ (3) Temporary Assistance for Needy
8 Families - Unemployed Parent Program (TANF-UP);

9 (4) Assistance from the Supplemental Nutrition Assistance
10 Program (SNAP) if such ~~food stamp~~ recipients are sixty years of age
11 or older; or

12 (5) Social Security Disability Insurance (SSDI).

13 (b) The special reduced rate offered by each gas and electric
14 utility to its eligible customers shall be twenty percent less than
15 the rate which would be applicable to such customers if they were
16 not receiving any of the ~~four~~ five forms of assistance which confer
17 eligibility for the special reduced rates. A customer of a utility
18 offering special reduced rates shall be eligible to receive such
19 reduced rates for each of the billing months of December, January,
20 February, March and April that correlates to a calendar month
21 during which that customer is eligible to participate in one or
22 more of the qualifying programs specified in this section except as
23 otherwise provided in this section. The correlation of billing
24 months to calendar months of eligibility to participate in a
25 qualifying program is as follows: A December billing month
26 correlates to the calendar month of November; a January billing

1 month correlates to the calendar month of December; a February
2 billing month correlates to the calendar month of January; a March
3 billing month correlates to the calendar month of February; and an
4 April billing month correlates to the calendar month of March.
5 After the billing month of April, 1984, no customer shall be
6 eligible to receive the special reduced rates until the billing
7 month in which that customer applies for such rates. For the
8 billing months of December, 1983, and January, February, March and
9 April, 1984, a customer shall be eligible to receive a utility's
10 special reduced rates for any of said billing months which
11 correlates to a calendar month during which that customer is
12 eligible to participate in one or more of the qualifying programs
13 specified in this section, regardless of the date on which that
14 customer applies for such rates: *Provided*, That the date of
15 application falls on or prior to May 15, 1984. No customer who
16 applies for the special reduced rates after May 15, 1984, shall be
17 eligible to receive such rates for any of the billing months of
18 December, 1983, or January, February, March or April, 1984. Before
19 any individual may qualify to receive the special reduced rates,
20 the following requirements must be met:

21 ~~(a)~~ (1) The special reduced rates shall apply only to current
22 customers or to those persons who subsequently become customers in
23 their own right.

24 (2) If an SSI, ~~AFDC, AFDC-U or food stamp~~ TANF, TANF-UP, SNAP
25 or SSDI recipient is living in a household which is served under
26 the name of a person who is not an SSI, ~~AFDC, AFDC-U or food stamp~~

1 TANF, TANF-UP, SNAP or SSDI recipient, that service may not be
2 changed or have been changed ~~subsequent to March 12, 1983,~~ to the
3 name of the SSI, ~~AFDC, AFDC-U or food stamp~~ TANF, TANF-UP, SNAP or
4 SSDI recipient in order to qualify for service under the special
5 reduced rates.

6 ~~(b)~~ (c) The burden of proving eligibility for the special
7 reduced rates shall be on the requesting customer. ~~requesting such~~
8 ~~rates~~ The Department of ~~human services~~ Health and Human Resources
9 shall establish by ~~rules and regulations~~ legislative rule
10 procedures:

11 (1) To inform persons receiving any of the ~~four~~ five forms of
12 assistance which confer eligibility for the special reduced rates
13 about the availability of the special reduced rates;

14 (2) To assist applicants for the special reduced rates in
15 proving their eligibility; ~~therefor,~~ and

16 (3) To assist gas and electric utilities offering the special
17 reduced rates in determining on a continuing basis the eligibility
18 ~~therefor~~ of persons receiving or applying for such rates.

19 (d) The commission shall establish by rules ~~and regulations~~
20 procedures for the application for and provision of service under
21 the special reduced rates and for the determination and
22 certification of revenue deficiencies resulting from the special
23 reduced rates. ~~Within ten days of the effective date of this~~
24 ~~article,~~

25 (e) The commission and the Department of ~~human services~~ Health
26 and Human Resources shall ~~adopt temporary rules and regulations, as~~

1 ~~required by this section, which rules and regulations shall are not~~
2 ~~be subject to the requirements of chapter twenty-nine-a and section~~
3 ~~seven, article one of chapter twenty-four except that they shall be~~
4 ~~filed with the Secretary of State and published in the state~~
5 ~~register. These temporary rules and regulations shall remain in~~
6 ~~effect until supplanted by permanent rules and regulations, which~~
7 ~~shall be adopted by the commission and the department of human~~
8 ~~services within one hundred eighty days of the effective date of~~
9 ~~this article promulgate emergency rules pursuant to the provisions~~
10 ~~of section fifteen, article three, chapter twenty-nine-a of this~~
11 ~~code to effectuate the provisions of this article.~~

12 (f) No customer who is a recipient of more than one of the
13 ~~four~~ five forms of assistance which confer eligibility for the
14 special reduced rates shall be eligible for more than one twenty-
15 percent discount for gas service and one twenty-percent discount
16 for electric service during each billing month ~~that said customer~~
17 ~~is eligible to receive the special reduced rates.~~

18 (c) ~~In order to provide each eligible residential utility~~
19 ~~customer the special reduced rates for the billing months of~~
20 ~~December, 1983, through April, 1984, (hereinafter referred to as~~
21 ~~the first special reduced rate season), each utility providing the~~
22 ~~special reduced rates shall credit against the amount otherwise~~
23 ~~owed by each customer an amount equal to the difference between the~~
24 ~~total amount that each such customer was actually billed during the~~
25 ~~first special reduced rate season and the total amount that each~~
26 ~~customer would have been entitled to be billed under the special~~

1 ~~reduced rates. Each such credit shall be fully reflected on the~~
2 ~~first bill issued to each such customer after approval of each such~~
3 ~~customer's application for the special reduced rates, except in~~
4 ~~cases where the interval between the approval and the issuance of~~
5 ~~the next bill is so short that it is administratively impracticable~~
6 ~~to do so, in which cases such credits shall be fully reflected on~~
7 ~~the second bill issued to each such customer after approval of that~~
8 ~~customer's application. If the interval between the approval and~~
9 ~~the issuance of the next bill is fifteen days or more, it shall not~~
10 ~~be deemed administratively impracticable to reflect such credit on~~
11 ~~the customer's first such bill.~~

(NOTE: The purpose of this bill is to expand the reduced utility rates for low-income residential customers to those receiving SSDI.)

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)