

1 of this state and to all rules, regulations and orders of the
2 commission not contrary to law; and to require copies of all
3 reports, rates, classifications, schedules and timetables in effect
4 and used by the public utility or other person, to be filed with
5 the commission, and all other information desired by the commission
6 relating to the investigation and requirements, including
7 inventories of all property in such form and detail as the
8 commission may prescribe. The commission may compel obedience to
9 its lawful orders by mandamus or injunction or other proper
10 proceedings in the name of the state in any circuit court having
11 jurisdiction of the parties or of the subject matter, or the
12 Supreme Court of Appeals direct, and the proceedings shall have
13 priority over all pending cases. The commission may change any
14 intrastate rate, charge or toll which is unjust or unreasonable or
15 any interstate charge with respect to matters of a purely local
16 nature which have not been regulated by or pursuant to an act of
17 Congress and may prescribe a rate, charge or toll that is just and
18 reasonable, and change or prohibit any practice, device or method
19 of service in order to prevent undue discrimination or favoritism
20 between persons and between localities and between commodities for
21 a like and contemporaneous service. But in no case shall the rate,
22 toll or charge be more than the service is reasonably worth,
23 considering the cost of the service. Every order entered by the

1 commission shall continue in force until the expiration of the
2 time, if any, named by the commission in the order, or until
3 revoked or modified by the commission, unless the order is
4 suspended, modified or revoked by order or decree of a court of
5 competent jurisdiction: *Provided*, That in the case of utilities
6 used by emergency shelter providers, the commission shall prescribe
7 such rates, charges or tolls that are the lowest available.
8 "Emergency shelter provider" means any nonprofit entity which
9 provides temporary emergency housing and services to the homeless
10 or to victims of domestic violence or other abuse.

11 (b) Notwithstanding any other provision of this code to the
12 contrary, rates are not discriminatory if, when considering the
13 debt costs associated with a future water or sewer project which
14 would not benefit existing customers, the commission establishes
15 rates which ensure that the future customers to be served by the
16 new project are solely responsible for the debt costs associated
17 with the project.

18 (c) Notwithstanding any other provision of this code to the
19 contrary, on or before July 1, 2012, the commission shall
20 promulgate an emergency legislative rule or enter an order that
21 provides an affordable housing rate differential in capital
22 improvement fees charged by operating water and sewer systems. The
23 rule or order shall provide that capital improvement fees charged

1 for water or sewer connections shall provide a differential rate
2 for manufactured housing and, in lieu of a one-time fee, may
3 provide for a hook-up fee on the same lot or parcel of land using
4 the same sewer hook-up. The rule or order shall limit the capital
5 improvement fee for manufactured housing to be no more than ten
6 percent of the capital improvement fee charged to a standard
7 residential unit. The rule or order shall require that any water
8 or sewer utility currently imposing an capital improvement fee
9 revise its capital improvement fee within ninety days after
10 promulgation of the rule or entry of the order to comply with this
11 subsection and the emergency rule promulgated or order entered by
12 the commission pursuant to this subsection. The rule or order
13 shall apply to manufactured housing projects where the owner of the
14 manufactured home rents or leases the real estate upon which the
15 manufactured home is placed. The manufactured housing project
16 shall be located in a manufactured housing subdivision approved by
17 the county planning commission of the county in which the project
18 is located and it is further required that the county shall have
19 adopted subdivision regulations for the purpose of regulating
20 manufactured housing subdivisions. As used in this subsection (c),
21 "manufactured home" or "manufactured housing" have the meaning set
22 forth in section one-qq, article one, chapter seventeen-a of this
23 code.

NOTE: The purpose of this bill is to authorize the Public Service Commission to require capital improvement fees that include an affordable housing rate differential.

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