

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

Introduced

### House Bill 3222

FISCAL  
NOTE

BY DELEGATES MALLOW, CONLEY, MANDT AND FORSHT

[Introduced March 16, 2021; Referred to the  
Committee on the Judiciary then Finance]

1 A BILL to amend and reenact §24-2A-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to authorizing reduced rates for residential utility customers who are residents of a small  
 3 community with fewer than 1000 residents.

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

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

**§24-2A-5. Special rates for certain water, sewer, or combined water and sewer utility  
 customers.**

1 (a) The commission may authorize a privately owned water, sewer or combined water and  
 2 sewer utility to voluntarily implement a rate design featuring reduced rates and charges for service  
 3 for residential utility customers receiving:

- 4 (1) Social Security Supplemental Security Income (SSI);
- 5 (2) Temporary Assistance for Needy Families (TANF);
- 6 (3) Temporary Assistance for Needy Families-Unemployed Parent Program (TANF-UP);

7 or

8 (4) Assistance from the Supplemental Nutrition Assistance Program (SNAP) if they are 60  
 9 years of age or older; or if

10 (5) The residential utility customers are residents of a small community with fewer than  
 11 1000 residents.

12 (b) The special reduced rate offered by each water, sewer, or combined water and sewer  
 13 utility to its eligible customers shall be a percentage less, which shall be approved by the  
 14 commission, than the rate that would be applicable to such customers if they were not receiving  
 15 any of the four forms of assistance that confer eligibility for the special reduced rates approved  
 16 by the commission: *Provided*, That such rate reduction shall not exceed 20 percent of the rate  
 17 that would be otherwise applicable.

18 (c) Before any individual may qualify to receive the special reduced rates, the following  
19 requirements must be met:

20 (1) The special reduced rates may apply only to current customers or to those persons  
21 who subsequently become customers in their own right. If an SSI, TANF, TANF-UP or SNAP  
22 recipient is living in a household that is served under the name of a person who is not an SSI,  
23 TANF, TANF-UP or SNAP recipient, that service may not be changed or have been changed  
24 subsequent to July 1, 2011, to the name of the SSI, TANF, TANF-UP or SNAP recipient in order  
25 to qualify for service under the special reduced rates.

26 (2) The burden of proving eligibility for the special reduced rates shall be on the customer  
27 requesting such rates. The Department of Health and Human Resources shall establish by rules  
28 and procedures:

29 (A) To inform persons receiving any of the four forms of assistance that confer eligibility  
30 for the special reduced rates about the availability of the special reduced rates;

31 (B) To assist applicants for the special reduced rates in proving their eligibility therefor;  
32 and

33 (C) To assist water, sewer, or combined water and sewer utilities offering the special  
34 reduced rates in determining on a continuing basis the eligibility therefor of persons receiving or  
35 applying for such rates.

36 The commission shall establish rules and procedures for the application for and provision  
37 of service under the special reduced rates and for the determination and certification of revenue  
38 deficiencies resulting from the special reduced rates: Provided, That the rules shall ensure that  
39 all residential utility customers who are residents of a small community with fewer than 1000  
40 residents have access to the utilities and are entitled to the special reduced rates, including the  
41 residents receiving benefits set out in subsection (a) (1), (2), (3), and (4) of this section.

42 (3) In order to provide each eligible residential utility customer the special reduced rates,  
43 each utility providing the special reduced rates shall credit against amounts otherwise owed by

44 each customer an amount equal to the difference between the total amount that each customer  
45 was actually billed during the previous month and the total amount that each customer would  
46 have been entitled to be billed under the special reduced rates. Each credit shall be fully reflected  
47 on the first bill issued to each customer after approval of each customer's application for the  
48 special reduced rates, except in cases where the interval between the approval and the issuance  
49 of the next bill is so short that it is administratively impracticable to do so, in which case, such  
50 credits shall be fully reflected on the second bill issued to each customer after approval of that  
51 customer's application. If the interval between the approval and the issuance of the next bill is 15  
52 days or more, it may not be deemed administratively impracticable to reflect the credit on the  
53 customer's first bill.

NOTE: The purpose of this bill is to authorize the PSC to reduce rates for residential utility customers who are residents of a small community with fewer than 1000 residents, including recipients of (SSI), (TANF), (TANF-UP), or (SNAP).

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