

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Senate Bill 638

BY SENATOR NELSON

[Passed March 07, 2022; in effect 90 days from passage]

1 AN ACT to amend and reenact §24-2H-6 of the Code West Virginia, 1931, as amended, relating
2 to the Public Service Commission; and changing hearing location and customer notice
3 provisions in a distressed or failing utility and formal proceeding.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2H. POWER OF COMMISSION TO ORDER MEASURES UP TO AND INCLUDING THE ACQUISITION OF DISTRESSED AND FAILING WATER AND WASTEWATER UTILITIES.

§24-2H-6. Notice to distressed or failing utility and formal proceeding.

1 (a) A proceeding under this article may be initiated by the commission on its own motion,
2 or by the staff of the commission, or any other person or entity having a legal interest in the
3 financial, managerial, or operational condition of the utility, by filing a petition with the commission.
4 In any such petition, the utility shall be named as the respondent. The commission shall include
5 as additional parties any capable proximate public and private utilities that may be able to acquire
6 the utility.

7 (b) The commission shall hold an evidentiary and public hearing(s) in a location in or within
8 25 miles of the utility's service area. The commission shall give reasonable notice of the time,
9 place, and subject matter of the hearing as follows:

10 (1) Issuance of a press release;

11 (2) Written notice by certified mail or registered mail to:

12 (A) The utility;

13 (B) The Consumer Advocate Division;

14 (C) Capable proximate public or private utility(s) that were made parties to the proceeding;

15 and

16 (D) The county commission if the utility is a public service district; or

17 (E) The municipality if the utility is owned and operated by the municipality.

18 (3) The utility shall give notice to its customers of the time, place, and subject matter of
19 the hearing either as a bill insert or printed on its monthly bill statement as ordered by the
20 commission.

21 (c) The public hearing shall be conducted to receive public comments, including, but not
22 limited to, comments regarding possible options available to bring the distressed or failing utility
23 into compliance with appropriate statutory and regulatory standards concerning actual or
24 imminent public health problems or unreasonable quality and reliability service standards. At the
25 evidentiary hearing, the commission shall receive evidence to determine if the utility is a
26 distressed or failing utility and whether a capable proximate utility should acquire the utility. If
27 there is more than one capable proximate utility, then sufficient evidence should be presented to
28 allow the commission to determine the appropriate capable proximate utility to acquire the
29 distressed or failing utility.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2022.

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Governor