

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2208

By Delegate Mallow

[Introduced January 11, 2023; Referred to the
Committee on Government Organization then the
Judiciary]

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

9 Or if the residential utility customers are residents of a small community with fewer than
10 1000 residents.

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

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

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

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

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

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

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

34 The commission shall establish rules and procedures for the application for and provision
35 of service under the special reduced rates and for the determination and certification of revenue
36 deficiencies resulting from the special reduced rates: Provided, That the rules shall ensure that
37 residential utility customers are residents of a small community with fewer than 1000 residents
38 have access to the utilities and are entitled to the special reduced rates, even if the residents are
39 not subject to the requirements set out in subsection (c)(1) of this section.

40 (3) In order to provide each eligible residential utility customer the special reduced rates,
41 each utility providing the special reduced rates shall credit against amounts otherwise owed by
42 each customer an amount equal to the difference between the total amount that each customer

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

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