

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2817**

By Delegates Cannon, Linville, Riley, Keaton,

Shamblin, and Chiarelli

[Originating in the Committee on the Judiciary,

February 8, 2023.]



1 A BILL to amend and reenact §24-2D-2 and §24-2D-3 of the Code of West Virginia, 1931, as  
2 amended, all relating to Public Service Commission jurisdiction over alternative fuel for  
3 motor vehicles; clarifying the definitions of alternative fuel and alternative fuel vehicles;  
4 limiting Public Service Commission jurisdiction over temporary electric charging locations  
5 for alternative fuel vehicles with movable generators, provided the temporary electric  
6 charging locations are at fairs, festivals, and other special events, at locations where the  
7 electric distribution grid has been adversely effected by emergencies or disasters, natural  
8 or otherwise; or at locations which facilitate evacuations from such emergencies or  
9 disasters, impending or otherwise; and making technical improvements.

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

**ARTICLE 2D. ALTERNATIVE FUEL INITIATIVES.**

**§24-2D-2. Incentives for use of alternative fuels in new technologies.**

1 (a) For purposes of this ~~section~~ article, "alternative fuel ~~vehicles~~" shall mean ~~motor vehicles~~  
2 ~~whose primary source of fuel is natural gas, methanol, propane, and/or electricity, and "alternative~~  
3 fuel vehicles" shall mean motor vehicles whose primary source of fuel is natural gas, methanol,  
4 propane, or electricity.

5 (b) Upon a finding that it is in the public interest of this state to authorize the same, as  
6 provided in section one, article one of this chapter, the Public Service Commission shall authorize  
7 ratemaking allowances for public utilities to encourage the use of alternative fuel in new  
8 demonstration technologies, including alternative fuel vehicles, which provide incentives to  
9 encourage investments in such technologies.

**§24-2D-3. Limitation on commission jurisdiction over sales by nonutilities of alternative  
fuel for certain purposes, limitations on jurisdiction for temporary electric charging  
of alternative fuel motor vehicles.**

1 (a) Notwithstanding any provision of this chapter to the contrary, the Public Service  
2 Commission shall have no jurisdiction over the ultimate sale by nonutilities of alternative fuel to be  
3 utilized solely as fuel for motor vehicles.

4            (b) Notwithstanding any provision of this chapter to the contrary, persons or entities  
5 generating electricity for retail sale for alternative fuel vehicles at temporary electric charging  
6 locations using movable generators are not public utilities and the Public Service Commission  
7 shall have no jurisdiction thereover: *Provided*, That the temporary electric charging locations are:  
8 (1) at fairs, festivals, and other special events; (2) at locations where the electric distribution grid  
9 has been adversely effected by emergencies or disasters, natural or otherwise; or (3) at locations  
10 which facilitate evacuations from such emergencies or disasters, impending or otherwise.

NOTE: The purpose of this bill is clarifying the definitions of alternative fuel and alternative fuel vehicles, limiting Public Service Commission jurisdiction over temporary charging locations with movable generators at fairs, festivals, and other special events, at locations where the electric distribution grid has been adversely effected by emergencies or disasters, natural or otherwise or at locations which facilitate evacuations from such emergencies or disasters, impending or otherwise.

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