

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3423

By Delegate Young

[Introduced February 13, 2023; Referred to the
Committee on Energy and Manufacturing then
Government Organization then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new
 2 sections, designated §24-2B-1 and §24-2B-2, relating to establishing the temporary
 3 suspension of rate increases, emergency rate increases, and hardship procedure.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2B. TEMPORARY SUSPENSION OF RATE INCREASES.

§24-2B-1. Temporary suspension of rate increases.

1 Pursuant to the findings contained in §24-1-1 of this code and in order to permit the Public
 2 Service and notwithstanding any other provision of this chapter, upon the effective date of this
 3 article, as enacted during the 2023 Regular Session of the Legislature, the commission shall
 4 authorize no increase of rates charged by any utility for natural gas or electricity to any customer of
 5 any class for a period of twelve months. With respect to cases for rate increases which are
 6 pending before the commission on the effective date of this section, such cases may be
 7 suspended by the commission and held in abeyance by the commission during the pendency of
 8 the period of suspension mandated by this section or any such cases may proceed to completion
 9 and the commission may rule thereon upon the same to the same extent as if this section had not
 10 been enacted, all within the sound discretion of the commission.

11 The commission may authorize such gas or electric rate increases during the period of
 12 suspension of rate increases mandated by this section as it may deem proper by reason of
 13 increased costs of purchased gas or electricity. The commission may consider in determining
 14 whether to authorize such rate increases the purchase and use of West Virginia gas or electric by
 15 such utilities if such gas or electric were available at a cheaper rate than other gas or electric
 16 actually purchased by such utilities.

§24-2B-2. Emergency rate increase; financial hardship procedure.

1 During the period of temporary suspension of rates generally, as provided herein, the
 2 commission may upon petition by a utility allow an emergency rate to take effect, subject to future
 3 modification by the commission and subject to refund to the customers of such utility, if it is

4 determined that such emergency rate is necessary to protect the utility from extreme financial
5 hardship and if that financial hardship is attributable solely to the temporary suspension of rate
6 increases. The commission shall provide by rule and regulation criteria for determination of
7 extreme financial hardship within the meaning of this section. Such petition shall be subject to the
8 same notice requirements as set forth in § 24-2-4a of this code.

NOTE: The purpose of this bill is to establish the temporary suspension of rate increases, procedure for an emergency rate increases, and hardship procedure.

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