

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4904

By Delegates Hansen and Young

[Introduced January 18, 2024; Referred to the
Committee on Energy and Manufacturing then
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §24-2-1r, all relating to power generating plant sites; establishing findings;
3 providing holder certificate of public convenience and necessity process to apply to
4 redeploy site as a generating plant; providing considerations for the commission to
5 consider in granting of application; and authorizing rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1r. Redeployment of Existing Generating Plant Sites.

1 (a) The Legislature finds and declares that:

2 (1) Due to technological advances and increasing concerns nationally about reducing
3 greenhouse gas emissions to address climate change, a major transition is underway in the
4 electric utility industry;

5 (2) This transition potentially threatens the continued operation of coal-fired generating
6 plants, which could result in the closure of such facilities, the loss of jobs for power plant workers,
7 and adverse impacts on the communities in which such plants are located;

8 (3) Existing power plant sites may need to be redeployed using other technologies to
9 maintain the use of the site and retain the jobs and economic benefits associated with continued
10 generation of electricity at such sites;

11 (4) West Virginia must act to stabilize its electricity rates to remain competitive in order to
12 attract industrial and manufacturing facilities that will provide good-paying jobs;

13 (5) In evaluating the possible redeployment of existing power plant sites, the public service
14 commission must engage in a rigorous analysis that takes into account the economic and
15 environmental impacts of the competing proposals;

16 (6) All available energy technologies, including nuclear energy, should be considered for
17 inclusion within the scope of such economic and environmental analyses; and

18 (7) In the event coal-fired generating plants are retired prior to the end of their useful lives,

19 creative financing strategies should be used to minimize the impact of such closures on electric
20 ratepayers and to provide funding to assist in the transition of power plant workers and the
21 communities in which power plants are located.

22 (b) The holder of a certificate of public convenience and necessity previously issued by the
23 commission pursuant to §24-2-11 of this code authorizing the construction of a generating plant
24 may apply to the commission for approval to redeploy the site upon which such plant is located, or
25 adjacent sites, through construction of a new generating plant.

26 (c) In deciding whether to grant approval of such application, the commission shall
27 consider:

28 (1) The projected long-term energy costs (exclusive of any applicable state incentives) of
29 other resource options for electricity generation proposed for the site including nuclear, natural
30 gas, solar, wind, geothermal, other renewables, energy storage, and any combination thereof. In
31 the case of nuclear facilities, long-term energy costs shall include the recovery in rates of
32 decommissioning costs for such nuclear facility from ratepayers receiving power from such facility.

33 (2) The environmental impacts of such other resource options including, where applicable,
34 estimates of a future price on carbon, whether determined as the social cost of carbon or derived
35 from operating carbon markets.

36 (d) The commission shall promulgate rules setting forth the requirements for any additional
37 information to be included in an application for redeployment of an existing generating plant site, or
38 adjacent sites.

NOTE: The purpose of this bill is to provide greater opportunities for power generation and cost savings to electric utility consumers by creating flexibility and diversity in the construction and financing of electric utility generating facilities.

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