

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #7 ☐

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OFFICE WEST VIRGINIA
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NOTICE OF AN EMERGENCY RULE

AGENCY: WV Infrastructure & Jobs Development Council TITLE NUMBER: 167

CITE AUTHORITY: 167 CSR 1

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Infrastructure & Jobs Development Council

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME
EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER
FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE
AS FOLLOWS:

see attached sheet

Use additional sheets if necessary


Authorized Signature

\$14.00

West Virginia Infrastructure & Jobs Development Council

Public Members:

Russell L. Isaacs, Chairman
Cottageville
Henry Harmon, Vice Chairman
Hurricane
Dwight Calhoun
Petersburg
C.R. "Rennie" Hill, III
Beckley

300 Summers Street, Suite 980
Charleston, West Virginia 25301
Telephone: (304) 558-4607
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Katy Mallory, PE
Executive Secretary

Katy.Mallory@verizon.net

June 23, 2003

The Honorable Joe Machin
Secretary of State
Administrative Law Division
State Capitol, Building 1, Suite 157 K
Charleston, West Virginia 25301

RE: Emergency Legislative Rule Revision

Dear Secretary Manchin:

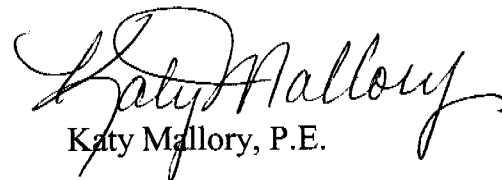
Enclosed are fourteen copies of the West Virginia Infrastructure and Jobs Development Council's proposed emergency rule revisions to the Infrastructure Council Legislative Rule.

I have also enclosed fourteen copies of all other documentation required including public hearing and public participation information.

The Infrastructure Council, at its June 4, 2003 meeting, voted to authorize the filing of this critically needed change to the legislative rule to better coordinate with the federal funding agencies and to better assist the utilities in the financial impact of infrastructure projects.

If any additional information is needed please contact me at 558-4607.

Sincerely,



Katy Mallory, P.E.

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**Notice of Emergency Rule
Form #7**

Title 167
Legislative Rule
West Virginia Infrastructure & Jobs Development Council

Series 1
Infrastructure and Jobs Development Council

Proposed Legislative Rule Change 167-1-5 (5.7.1)

Proposed change is to change the average usage from 4500 gallons to 4000 gallons per month and to incorporate the 2000 Census data to replace the 1990 census data in Appendix A.

Need for the Proposed Rule Change

The Infrastructure Council coordinates all the funding agencies for water and sewer projects. It is imperative that all the funding agencies remain consistent in the eligibility requirements. The U.S. EPA has made findings against the federal Clean Water State Revolving Fund and the Drinking Water Treatment Revolving Fund recommending the most current census information be used in determining funding eligibility. Delay in converting to the more up to date census information could delay these federal grant awards. The proposed changes would enable all the agencies to utilize the most current information available during the next federal grant application period (July - October 2003), remain consistent and simplify the funding application process for utilities.

The reduction of the customer usage from 4,500 to 4,000 gallons per month will enable utilities to better plan financially for their critically needed infrastructure projects. The Infrastructure Council received the attached Griffith and Associates report indicating that the average water usage is actually only 4,000 gallons per month instead of 4,500 gallons per month which is providing a financial burden to utilities through lower revenue collection than projected. This proposed rule would reduce the number of utilities in financial trouble due to inaccurate assumptions which ultimately result in utility rate increases to the customer.



Griffith & Associates

Certified Public Accountants & Consultants

March 31, 2003

Katy Mallory, PE, Executive Secretary
West Virginia Infrastructure and Job Development Council
980 One Valley Square
Charleston, West Virginia 25301

**RE: *Report on Rates and Average Consumption*
*West Virginia Utilities***

Dear Ms. Mallory and Honorable Members of the Council:

In response to our recent meeting with you and many of the funding and regulatory agency representatives concerning rates and other matters, I have prepared this report. This report is for the WVJDC (Council) use and consideration in the upcoming discussions on possible rule changes and funding criteria determination. As you requested, I have set forth in writing, examples of consumption and rates for various utilities. I have chosen these because of my involvement with them or otherwise a random selection process. I understand the Council will soon be discussing median household income, rates, average bills, consumption and other related matters and possibly will be making changes in how the Council views applications presented to it. I hope that this information will be of assistance in the deliberations by the Council and I offer to make a formal appearance before the Council to assist you and the members in these deliberations.

As I have discussed with some individual members of the Council and with you, as Executive Secretary, there is a notable and material trend of decreasing average residential consumption in water and sewer utilities in West Virginia. I have found in recent cases and, based upon my knowledge of many utilities, that this consumption decrease now contributes to significant rate impacts because of lessening revenues. For purposes of this report, I will limit my analysis and presentation to the effects of average **residential** customer usage in rates. It is very difficult to make comparisons of commercial, industrial and resale consumption because of specific factors to utilities that vary greatly. The historic basis used by the Council, Public Service Commission and most other funding and regulatory agencies has been that average residential water consumption in an average household was anticipated to be 4,500 gallons per month. This has long been the standard used by accountants, engineers, financial consultants, bond counsel, bankers, as well as the aforementioned regulatory and funding agencies. It has been my experience for ten of the last fifteen years this has held true. However for approximately the last five years, I have noticed and documented in some cases, a significant decrease in this average.

Michael D. Griffith, CPA
michaelgriffithcpa@mon.com

950 Little Coal River Road Alum Creek, WV 25003
Phone: (304) 756.3600 Facsimile: (304) 756.2911

I have compiled the following list of utilities and actual average residential consumption for the most recent fiscal year ended 2002 (when available). Much of the following data is actual data that our firm specifically had the opportunity and/or obligation to compile for various cases and other filings before the Public Service Commission and funding agencies. I have also tried to take a cross section of water and sewer utilities; those that have treatment plants and those who do not; those that have water and/or sewer or are combined; with and without any involvement of West Virginia-American Water Company and have tried to present this list in such a manner that is reflective of all regions of West Virginia.

<u>Utility</u>	<u>Average Residential Consumption</u>	<u>4,500 gallons Water Service</u>	<u>4,500 gallons Sewer Service</u>	<u>Rate Increase Status</u>
Logan County PSD	3,800	36.47 @	40.95	Effective 7/03 @
Lincoln County PSD	4,000	34.34	N/A	Recent & Possible
Boone County PSD	3,800	WVAWC	40.49 @	Recent @
Boone-Raleigh PSD	3,300	34.70	48.56+sur	-----
City of Cameron	3,200	33.50 @	45.20 @	Pass 4/1/03
City of Sistersville	3,500	38.33 ('06)	34.96 ('06)	5 Phase Rate Increase
Friendly PSD	3,200	Split rates @	42.74 @	Recent @
City of Bridgeport	4,100	23.96	22.47	-----
Jefferson Utilities Inc.	3,800	Varies	N/A	Recent & Planned
City of Charles Town	4,060	30.02	20.79	Recent
City of Mullens	4,000	EWPSD	25.97	Likely Increase
City of St. Albans MUC	4,050	16.55	28.70	-----
Huntington Sanitary Board	3,900	WVAWC	12.62	Proposed Large
City of Grafton	4,100*	18.45	30.98	-----

Culloden PSD	3,900	WVAWC	52.20	Effective circa '05
City of White Sulphur Springs	3,600	27.50	26.87	Probable Increases
City of New Martinsville	Unmetered	10.82	28.18	-----
White Oak PSD	3,500	WVAWC	20.37	Pending
Gallipolis Ferry Water Assn.	4,600	20.30	N/A	Recent
City of Hurricane	4,100	26.93 @	25.98 @	Possible @
Salt Rock Sewer PSD	3,300	WVAWC	47.86	Effective circa '05
Town of Matewan	4,000	33.02	30.92	-----
Glen White-Trap Hill PSD	3,800	20.24	N/A	Effective 1/03
Town of Fayetteville	3,300	33.50	48.35	Passed 3/03
Town of Oceana	3,818	21.54 @	31.82 @	Probable @
City of Milton MUC	3,800	17.16	46.04 @	Effective circa '05
WV American Water Co.	3,966	36.23+	N/A	Pending 16.4%+
Town of Cedar Grove	3,900	15.08 #	28.95 @	Recent @ & Probable #
Averages (all West Virginians &)	4,000	30.00	33.00	Rising

* Older Data

& My professional opinion of the averages of all residential customers in West Virginia.

As above list indicates, this cross section of utilities reflects residential consumption of much less than 4,500 gallons per customer per month for water utilities and sewer utilities. I believe this is a fair representation of what is occurring throughout the State of West Virginia and should certainly be considered in the deliberations by the Council on rates, rule changes, and other matters. I feel qualified to state that the average West Virginia residential customer now uses *less than 4,000* gallons water per month.

In meetings and discussions and in Public Service Commission formal cases I have frequently been asked my opinion, as an expert witness, why consumption is decreasing so dramatically. There are several factors which I have cited in testimony at the Commission and in other venues and I will attempt to provide some of the same information in this report.

First and foremost, I believe that customers are much more cognizant of their water consumption, the direct impact that consumption has on how much they pay, and the desire to minimize that particular cost in their household. Customers are making a concerted effort to decrease the amount of water used in the household. I believe that the level of rates and ever increasing tariffs for water and sewer users has had an impact on decreasing consumption. I further believe that the proliferation of large sewer bills and substantial sewer increases due to legal and regulatory requirements contributes most significantly.

Utility rate design has been a factor as well. It has been the recent practice and approach of the PSC, to design rate structures to the benefit of lower users, specifically senior citizens and low income, one person households. While this approach is admirable and intended to assist those customers who need assistance most, it has been a major contributing factor in decreased consumption in my opinion. The decreasing commodity basis for minimum bills shifts revenue requirements within the residential class to average and higher consumption users, i.e., families with children, etc. Current practice and precedent in rate design for sewer utilities uses individual water consumption as the basis for sewer billings. I have encountered engineers that argue that if a sewer system has any I&I, the actual cost of serving a residential customer is not significantly related to water use. In fact, many jurisdictions charge residential customers a flat rate per month. However, some of those states also finance projects differently than in West Virginia, so many factors must be considered in this discussion. In any event, *any* rate design must provide enough revenues to pay all the obligations of the utility and adjustments to minimum charges, and one basis for such bills, are an integral part of the tariff structures.

I also believe that the general aging of our population with fewer children and teenagers in the home is having an impact. As customers' average age increases and children are no longer in the home, the average usage will drop and I think that is, at least, part of the decreases I have detailed above. Another factor in the decrease is that most new construction and most replacement of household appliances, plumbing, and other water using devices is with much more efficient fixtures. EPA standards on appliances and plumbing components now dictate that usage will be lower than it was in past years. For example, new shower heads are now using significantly less gallons per minute than do older models. I think all of the above discussed factors have contributed to the decrease in usage and it is now such that this decrease in consumption across the board is having a substantial financial impact on the utilities that have experienced it.

In prior discussions, we talked briefly as to how these issues might affect the Council

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Our firm intends on continued representation of our clients in their best interests, while also fulfilling our professional responsibility to lenders, the Council, regulatory agencies and the general public, when presenting information and applications for consideration. I will be available for questions or if any individual members of the Council wish to address this further, contact me at (304) 756-3600.

Michael D. Goff, CPA

Michael D. Griffith, CPA
Griffith & Associates

Cc: Samme Gee, Jackson & Kelley
John Stump, Steptoe & Johnson
Chris Callas, Jackson & Kelley
Michael Miller, CPA, WVAWC
Robert R. Rodecker, Attorney

Approval of Filing

Form #3


Authorized Signature

West Virginia Infrastructure & Jobs Development Council

Public Members:

Russell L. Isaacs, Chairman

Cottageville

Henry Harmon, Vice Chairman

Hurricane

Dwight Calhoun

Petersburg

C.R. "Rennie" Hill, III

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Katy Mallory, PE

Executive Secretary

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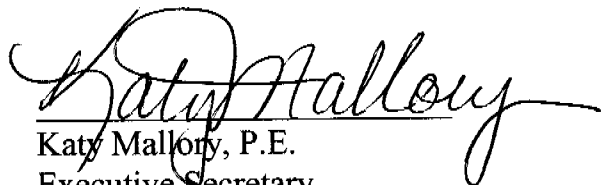
CERTIFICATION

The West Virginia Infrastructure and Jobs Development Council at its June 4, 2003 meeting voted to approve the Executive Secretary to file emergency rules for the Infrastructure and Jobs Development Council.



Russell L. Isaacs

Chairman



Katy Mallory, P.E.

Executive Secretary

WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL

Minutes

A meeting of the West Virginia Infrastructure and Jobs Development Council (the "Council") was held Wednesday, June 4, 2003, beginning at 9:30 a.m., in the Grand Hall of the Erickson Alumni Center, West Virginia State College, Institute, West Virginia.

Quorum

A quorum was constituted of the following members present:

Russell L. Isaacs, Chairman
Dwight Calhoun, Public Member
Rennie Hill, Public Member
Jim Williams, Public Service Commission
Mike Johnson, Department of Environmental Protection
Walt Ivey, Bureau for Public Health
David Warner, WV Economic Development Authority
Bernie Yonkosky, Water Development Authority
Randy Moore, Housing Development Authority
Debbie Legg, WV Development Office

Nonvoting advisory members present:

Byron Davis, USED
John Rehme, Corp of Engineers
Janna Lowery, RUS

Approval of Minutes

Chairman Russell Isaacs called the meeting to order. He then asked for corrections to the minutes of the May 7, 2003 meeting. Mr. Dwight Calhoun moved the approval of the minutes as amended. Ms. Debbie Legg seconded the motion and the motion carried.

Financial Report

The monthly financial report was presented to the Council for its review.

Projects Recommended to Pursue Funding Sources Other than Infrastructure Fund Assistance:

The following projects were recommended by the Funding Committee to pursue funding sources other than Infrastructure Fund assistance:

Beech Bottom, Village of, 2002W-688, (water project) - Mr. Walt Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the Village of Beech Bottom utilize the \$554,355 Federal Special Appropriations grant and pursue a \$637,746 Small Cities Block Grant to fund this \$1,192,101 project. Mr. Bernie Yonkosky moved that the Funding Committee recommendations be approved. Mr. Ivey seconded the motion and the motion carried.

Cairo, Town of, 2003W-748, (water project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the Town of Cairo pursue a \$250,000 Small Cities Block Grant to fund this project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Ivey seconded the motion and the motion carried.

Charleston Sanitary Board, City of, 2002S-704, (sewer project) - Mr. Mike Warwick gave a brief overview of the revised project. The Funding Committee recommendation for this project is the City of Charleston Sanitary Board pursue a \$8,637,662 Clean Water State Revolving Fund loan and a \$875,000 City contribution to fund this \$9,512,662 project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Ms. Legg seconded the motion and the motion carried.

Grantsville, Town of, 2003W-747, (water project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the Town of Grantsville pursue a \$700,000 Small Cities Block Grant to fund this project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Randy Moore seconded the motion and the motion carried.

Kermit, Town of, 2003S-754, (sewer project) - Mr. Warwick gave a brief overview of the project. The Funding Committee recommendation for this project is the Town of Kermit pursue a \$617,000 Clean Water State Revolving Fund loan and a \$1,500,000 Small Cities Block Grant to fund this \$2,117,000 project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Mike Johnson seconded the motion and the motion carried.

Mannington, City of, 2001W-586, (water treatment plant project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the City of Mannington utilize the \$1,025,000 Rural Utilities Service loan, pursue a \$210,000 Rural Utilities Service grant, a \$1,500,000 Small Cities Block Grant and a \$160,000 Drinking Water Treatment Revolving Fund design loan to fund this \$2,895,000 project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Moore seconded the motion and the motion carried.

McDowell County Public Service District (Iaeger), 2000W-560, (water project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the McDowell County Public Service District pursue a \$1,500,000 Small Cities Block Grant and \$1,794,500 Rural Utilities Service grant/loan assistance to fund this \$3,294,500 project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Ivey seconded the motion and the motion carried.

Milton, City of, 2003W-745, (water project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the City of Milton pursue a \$1,500,000 Small Cities Block Grant and a \$1,290,986 Drinking Water Treatment Revolving Fund loan to fund this \$2,790,986 project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Moore seconded the motion and the motion carried.

Sistersville, City of, 2003W-749, (water upgrade project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the City of Sistersville pursue a \$530,000 Small Cities Block Grant to fund this project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Ivey seconded the motion and the motion carried. Mr. Jim Williams inquired as to why 2" line was being used. Mr. Ivey replied that 2" line was being used for house connections.

Wheeling, City of, 2003S-750, (sewer project) - Mr. Warwick gave a brief overview of the project. The Funding Committee recommendation for this project is the City of Wheeling utilize the \$2,425,000 US Environmental Protection Agency Special Appropriations grant and pursue a \$13,163,000 Clean Water State Revolving Fund, Water Development Authority and/or Private loan(s) to fund this \$15,588,000 project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Moore seconded the motion and the motion carried.

**Projects Recommended
to Pursue Infrastructure
Funding:**

The following project was recommended by the Funding Committee to pursue Infrastructure Funding:

Athens, Town of, 2001S-646, (sewer wastewater treatment plant project) - Mr. Warwick gave a brief overview of the project. The Funding Committee recommendation for this project is the Town of Athens should utilize the \$2,262,000 Clean Water State Revolving Fund loan and appears eligible for Infrastructure Fund assistance of \$803,000 pending final determination of the project's eligibility and readiness to proceed. Total project cost is \$3,065,000. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Moore seconded the motion and the motion carried.

Cheyland Public Service District, 2003S-746, (Winifrede Hollow sewer extension project) - Mr. Warwick gave a brief overview of the project. The Funding Committee recommendation for this project is the Cheyland Public Service District pursue a \$1,500,000 Small Cities Block Grant, a \$1,000,000 Kanawha County Commission contribution and appears eligible for Infrastructure Fund assistance of \$2,000,000 pending final determination of the project's eligibility and readiness to proceed. Total project cost is \$4,500,000. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Ms. Legg seconded the motion and the motion carried.

Delbarton, Town of, 2003S-751, (sewer upgrade project) - Mr. Warwick gave a brief overview of the project. The Funding Committee recommendation for this project is the Town of Delbarton pursue a \$1,500,000 Small Cities Block Grant, a \$1,500,000 Appalachian Regional Commission grant and appears eligible for Infrastructure Fund assistance of \$2,792,385 pending final determination of the project's eligibility and readiness to proceed. Total project cost is \$5,792,385. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Johnson seconded the motion and the motion carried.

Flatwoods-Canoe Run Public Service District, 2003S-744, (sewer upgrade and extension project) - Mr. Warwick gave a brief overview of the project. The Funding Committee recommendation for this project is the Flatwoods-Canoe Run Public Service District pursue a \$1,500,000 Small Cities Block Grant and/or Appalachian Regional Commission and a \$9,360,750 Clean Water State Revolving Fund loan. It also appears the District is eligible (in lieu of the Clean Water State Revolving Fund loan) for an Infrastructure Fund loan of up to \$9,360,750 pending final determination of the project's eligibility and readiness to proceed. Total project cost is \$10,860,750. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Moore seconded the motion and the motion carried.

Lewis County Commission / Lewis County EDA, 2003W-742, (water extension project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the Lewis County Commission utilize the \$581,000 West Virginia American Water Company contribution, pursue the \$1,500,000 Small Cities Block Grant and appears eligible for an Infrastructure Fund loan of \$3,644,000 pending final determination of the project's eligibility and readiness to proceed. Total project cost is \$5,725,000. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Ivey seconded the motion and the motion carried.

Lubeck Public Service District, 2002W-669, (Wadesville water extension project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the Lubeck Public Service District pursue a \$750,000 Small Cities Block Grant and appears eligible for an Infrastructure Fund loan of \$650,000 pending final determination of the project's eligibility and readiness to proceed. Total project cost is \$1,400,000. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Ivey seconded the motion and the motion carried.

Mountain Top Public Service District, 98W-394, (water extension project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the Mountain Top Public Service District pursue a \$675,000 Small Cities Block Grant and appears eligible for an Infrastructure Fund loan of \$400,000 pending final determination of the project's eligibility and readiness to proceed. Total project cost is \$1,075,000. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Calhoun seconded the motion and the motion carried.

Salt Rock Water Public Service District, 2003W-755, (water extension project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the Salt Rock Water Public Service District utilize the \$298,000 West Virginia American Water Company contribution, pursue the \$1,500,000 Small Cities Block Grant, \$102,000 Cabell County Commission contribution and a \$500,000 Appalachian Regional Commission grant to fund this \$2,400,000 project. In lieu of the Appalachian Regional Commission grant it appears the District is eligible for Infrastructure Fund assistance of \$500,000 pending final determination of the project's eligibility and readiness to proceed. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Moore seconded the motion and the motion carried.

Valley Falls Public Service District (Phase I), 2002W-684a, (water upgrade project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the Valley Falls Public Service District appears eligible for an Infrastructure Fund loan of \$1,765,000 pending final determination of the project's eligibility and readiness to proceed. Total project cost is \$1,765,000. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Ivey seconded the motion and the motion carried.

Valley Falls Public Service District (Phase II), 2002W-684b, (water upgrade project) - Mr. Ivey gave a brief overview of the project. The Funding Committee recommendation for this project is the Valley Falls Public Service District appears eligible for an Infrastructure Fund loan of \$1,650,000 pending final determination of the project's eligibility and readiness to proceed. Total project cost is \$1,650,000. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Moore seconded the motion and the motion

carried.

**Bid Overrun
Projects Recommended
for Infrastructure Fund
Binding Commitment:**

The following projects were recommended by the Funding Committee to receive Revised Infrastructure Fund Binding Commitments:

Petersburg, City of, 99S-482, (Bid Overrun on sewer project) - Mr. Warwick gave a brief overview of the project. The Funding Committee recommendation for this project is the City of Petersburg utilize the \$990,000 US Economic Development Authority grant, the \$4,400,311 Clean Water State Revolving Fund loan and receive a binding commitment for an Infrastructure Fund grant of \$150,000 to fund this \$5,540,311 project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Ms. Legg seconded the motion and the motion carried.

Salt Rock Public Service District (Phase I), 97S-356a, (Bid Overrun on sewer project) - Mr. Warwick gave a brief overview of the project. The Funding Committee recommendation for this project is the Salt Rock Public Service District utilize the \$2,050,000 Clean Water State Revolving Fund loan, the \$60,000 Water Development Authority loan and receive a binding commitment for a \$200,000 Infrastructure Fund grant to fund this \$2,310,000 project. Mr. Yonkosky moved that the Funding Committee recommendation be approved. Mr. Moore seconded the motion and the motion carried.

**Projects Returned for
Additional Information:**

Mr. Yonkosky reported that the following projects were returned for additional information:

Alpine Lake Public Utility Company	2003W-753
Elkins, City of - Sewer Fund	2003S-752

**Preliminary Applications
Received:**

Ms. Mallory reported that there were 12 applications received to be acted on at the next Council meeting:

Water:	*Beech Bottom, Village of	2002W-688
	Lubeck PSD	2003W-758
	*McDowell County PSD	2000W-560
	McDowell County PSD	2003W-756
	McDowell County PSD	2003W-757
	Rowlesburg, Town of	2002W-674
	West Hamlin, Town of	2003W-759

Sewer:	Big Bend PSD	2003S-760
	*Charleston Sanitary Board, City of	2002S-704
	*Petersburg, City of	99S-482
	*Salt Rock PSD	97S-356
	Silverton PSD	2003S-725

*acted on this meeting

**Recommendation to Revise
Economic Development
Binding Commitment:**

The following projects were recommended by the West Virginia Economic Development Council to receive Revised Economic Development Binding Commitments:

Hinton Development Authority, 2002E-070, (four level multi-tenant building) - Ms. Legg gave a brief overview. At the June 2, 2003 meeting of the Council for Community and Economic Development it was recommended that the Infrastructure Council approve the name change on the loan to Hinton Development Authority. Ms. Legg moved that the Council for Community and Economic Development recommendation be approved. Mr. Moore seconded the motion and the motion carried.

Huntington Municipal Development Corporation, 2000E-049, (loan revisions) - Ms. Legg gave a brief overview. At the June 2, 2003 meeting of the Council for Community and Economic Development it was recommended that the Infrastructure Council approve the following revisions to the original loan of \$3,000,000 approved in April 2000. 1) Revise funding sources, 2) reduce loan amount to \$2,625,000, 3) reduce forgivable portion of loan to \$1,125,000, 4) delete requirement that a minimum of 3 acres, at total cost of \$750,000 must be sold prior to loan closing, 5) and add condition that loan can be closed upon substantial completion with the exception of the Kanawha Stone contract. The amount in dispute to be held in escrow on this contract not to be drawn down until resolved. Ms. Legg moved that the Council for Community and Economic Development recommendation be approved. Mr. David Warner seconded the motion and the motion carried.

**Economic Development
Projects Recommended for
Revised Loan:**

The following project was recommended by the West Virginia Economic Development Council for a revised loan:

Benedum Airport Authority / Mid-Atlantic Aerospace Complex, 99E-023, (land development) - Ms. Legg gave a brief overview. The initial loan of \$3,000,000 was approved by Council on September 11, 1995. At its June 2, 2003 meeting the Council for Community and Economic Development approved a request for the following loan revisions from the Benedum Airport Authority. 1) Transfer of the loan to the Mid-Atlantic Aerospace Complex, 2) delete security of first lien deed of trust on 55 acres, 3) add security of leasehold deed of trust. Issuing a binding commitment is contingent upon receipt of an agreement for a long-term lease of said property between MAAC and the Benedum Airport Authority and contingent upon receipt of verification from the Benedum Airport Authority of their approval of the loan transfer to MAAC. Ms. Legg moved that the revisions be approved. Mr. Warner seconded the motion and the motion carried.

Business Items

Loan Portfolio

Reporting on the WDA Loan Portfolio Report, Mr. Yonkosky stated that a copy of the Report is provided to the Council. Mr. Yonkosky went on to discuss several loans:

Camden-on-Gauley, the Public Service Commission recommended decision is to impose \$1.00/1000 gallon surcharge. The deficiency should be eliminated in two years. In addition the Public Service Commission staff has met with Craigsville Public Service District to discuss take over of Camden-on-Gauley system (118 customers).

Cameron, was proactive and passed a rate ordinance but customer base filed a petition at the Public Service Commission. Under Municipal appeal Cameron put in emergency rate increase. Mr. Yonkosky stated they are doing a good job.

Craigsville, has applied for a rate increase at the Public Service Commission. The decision is due in June 2003. Mr. Rennie Hill questioned Craigsville taking over Camden-on-Gauley. Mr. Yonkosky stated Craigsville is doing a good job and should be current soon. Camden-on-Gauley sends its wastewater to Craigsville for treatment.

Mingo County Public Service District, has slight deficiency as of last week. The water treatment plant is now up and running (not yet substantially complete) and should become current on payments.

War, has not been responsive to requests for a plan to correct their deficiency. If they don't respond within a week a complaint will be filed with the Public Service Commission.

Mr. Calhoun asked if going forward the Deficiency Report could show the total monetary deficiency of each project. Mr. Yonkosky stated that that could be done but would be very time consuming as these numbers are acquired from the Municipal Bond Commission which has an antiquated system and much of it would have to be done manually. It was agreed that a statement of accounts will be provided on delinquent loans.

2003 Financial Audit

Mr. Yonkosky stated that a copy of the list of Opening of Proposals Received for Audit of the West Virginia Infrastructure Fund is provided to the Council. Gibbons & Kawash is recommended to do the Council's audit for the next three years. The cost is \$6,705 per year with the Water Development Authority preparing the financial statements. Mr. Yonkosky moved that the recommendation be approved. Mr. Warner seconded the motion and the motion carried.

Annual Operating Budget Resolution:

Ms. Mallory presented the Annual Operating Budget Resolution to the Council.

RESOLUTION

WHEREAS, the West Virginia Infrastructure and Jobs Development Council (the "Infrastructure Council") is a governmental instrumentality organized and existing under the laws of the State of West Virginia, particularly Article 15A of Chapter 31 of the Code of West Virginia, 1931, as amended (the "Act") for certain purposes set forth in the Act including encouraging and assisting in a cost effective, coordinated approach to water and wastewater system development as well as the effectuation of job creation; and

WHEREAS, the Infrastructure Council prepares an annual operating budge (the "Budget") each State fiscal year (July 1 to June 30).

NOW THEREFORE, BE IT RESOLVED, by the West Virginia Infrastructure and Jobs Development Council as follows:

The Executive Secretary is hereby authorized to draft an annual Budget for operating expenses which include but not limited to personnel services, contractual services, supplies, printing, travel, office equipment, postage and freight, rentals and printing for the 2004 fiscal year (July 1, 2003 to June 30, 2004) in an amount not to exceed \$400,000.00; and

The Chairman is hereby authorized to review and approve said Budget, and

The Chairman is further authorized to review and approve any revisions to the annual Budget as long as the aggregate amount does not exceed \$400,000.00.

ADOPTED by the West Virginia Infrastructure and Jobs Development Council at a meeting held on the 4th day of June 2003.

Mr. Williams moved that the Annual Operating Budget Resolution be adopted. Mr. Calhoun seconded the motion and the motion carried.

Legislative Rules: Public Hearing Minutes

Ms. Mallory gave a brief overview of the meeting. Chairman Isaacs asked for corrections to the minutes of the May 7, 2003 meeting. Mr. Moore moved the approval of the minutes. Mr. Warner seconded the motion and the motion carried.

Legislative Rules: Secretary of State filing

Ms. Mallory recommended that the Legislative Rules be filed as emergency filing at the Secretary of State. Mr. Moore moved the recommendation be approved. Mr. Ivey seconded the motion and the motion carried.

WVEDA Grant Projects

Ms. Mallory stated that a list of the WVEDA grant projects and the current status of each project is provided to the Council for their information and review.

Uniform Bidding Procedures

Ms. Mallory gave a brief overview. HB 3117 passed last session. These minor changes to the Uniform Bidding Procedures confirm with Bill. The Contractors Association is okay with the changes. The changes have also been sent to the Engineering Council. Mr. Warner moved that the revised Uniform Bidding Procedures for Projects Recommended by the WV Infrastructure & Jobs Development Council be adopted. Mr. Williams seconded the motion and the motion carried.

Mr. Williams questioned the recent situation concerning glass-lined tanks vs welded steel tanks. Ms. Mallory explained that recently a utility bid glass lined tank and a welded tank as an alternate. The welded tank was the lowest bid. The utility selected the glass-lined tank after the engineer provided a life cycle analysis of the two tanks. The Council's policy with regard to not selecting the low bidder is that this be justified in an opinion by the Borrower's Counsel. This was not done in this case and the Executive Secretary was unaware that the low bid was not selected until the low bidder filed a complaint in circuit court. The complaint was dismissed by the court. Ms. Mallory contacted the State's Purchasing Division and was advised that the criteria by which an item is to be selected should be in the bid documents. This issue was discussed at the IJDC May 27, 2003 staff meeting. In this case, as it is already proceeding through the courts, and the contract has been awarded the staff felt that all that could be done was being done. In the future, when a preference occurs, the utility should list the criteria by which it will base its selection in the bid documents.

Revenue Bond Committee

Mr. Calhoun stated that the Request for Proposals were sent May 12, 2003 with due date of May 29, 2003. Five proposals were received and will be discussed today as there is a Committee meeting today directly after the Council meeting.

Committee Reports

Reporting on behalf of the Consolidation Committee, Mr. Moore stated that the Committee had not met.

Reporting on behalf of the Funding Committee, Mr. Yonkosky stated that a copy of the Committee's report is provided to the Council.

Reporting on behalf of the Sewer Technical Review Committee, Mr. Johnson stated that a copy of the Committee's report is provided to the Council.

Reporting on behalf of the Water Technical Review Committee, Mr. Ivey stated that a copy of the Committee's report is provided to the Council.

Other Reports

The following Funding Agency reports were presented to the Council indicating projects receiving funding commitments, authorization to bid or loan/grant closings: Clean Water SRF, Drinking Water SRF, Infrastructure Council and Water Development Authority.

Adjournment

There being no further business, Chairman Isaacs adjourned the meeting.

TO BE APPROVED AT
COUNCIL'S JULY 9, 2003
 Katy Mallory, P.E. *meeting*
 Executive Secretary

Legislative Rule Making Review Committee (LRMRC)
Emergency Rule Questionnaire



EMERGENCY RULE QUESTIONNAIRE

DATE: June 23, 2003

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Infrastructure & Jobs Development Council

EMERGENCY RULE TITLE: Infrastructure & Jobs Development Council

1. Date of filing June 23, 2003

2. Statutory authority for promulgating emergency rule:

31-15A-4

3. Date of filing of proposed legislative rule: April 3, 2003

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? amends current legislative rule

5. Has the same or similar emergency rule previously been filed and expired?

no

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.

see attached sheet

In summary the proposed rule will assist utilities in planning for the construction of critically needed infrastructure projects. The emergency rule is also necessary to coordinate with the federal State Revolving Fund capitalization grant applications which coincide with the federal fiscal year (October 1 2003 - Sept 30, 2004). The Clean water SRF has been cited by the US EPA to start to utilize the 2000 Census data.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

The emergency rule is necessary to coordinate with the federal State Revolving Fund capitalization grant applications which coincide with the federal fiscal year (October 1, 2003 - September 30, 2004). The Clean Water State Revolving Fund (CWSRF) has started to use the 2000 Census data after being cited by the US Environmental Protection Agency which awards the federal CWSRF funds.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

see attached

Title 167
Legislative Rule
West Virginia Infrastructure & Jobs Development Council

Series 1
Infrastructure and Jobs Development Council

Need for the Proposed Rule Change

The Infrastructure Council coordinates all the funding agencies for water and sewer projects. It is imperative that all the funding agencies remain consistent in the eligibility requirements. The U.S. EPA has made findings against the federal Clean Water State Revolving Fund and the Drinking Water Treatment Revolving Fund recommending the most current census information be used in determining funding eligibility. Delay in converting to the more up to date census information could delay these federal grant awards. The proposed changes would enable all the agencies to utilize the most current information available during the next federal grant application period (July - October 2003), remain consistent and simplify the funding application process for utilities.

The reduction of the customer usage from 4,500 to 4,000 gallons per month will enable utilities to better plan financially for their critically needed infrastructure projects. The Infrastructure Council received the attached Griffith and Associates report indicating that the average water usage is actually only 4,000 gallons per month instead of 4,500 gallons per month which is providing a financial burden to utilities through lower revenue collection than projected. This proposed rule would reduce the number of utilities in financial trouble due to inaccurate assumptions which ultimately result in utility rate increases to the customer.

Summary of Proposed Emergency Rule

Title 167
Legislative Rule
West Virginia Infrastructure & Jobs Development Council

Series 1
Infrastructure and Jobs Development Council

Proposed Legislative Rule Change 167-1-5 (5.7.1)

Proposed change is to change the average usage from 4500 gallons to 4000 gallons per month and to incorporate the 2000 Census data to replace the 1990 census data in Appendix A.

- | | | |
|----|-----------------------|--|
| 1. | Page 7, Section 5.7.1 | Change average usage from 4,500 gallons per month to 4,000 gallons per month |
| 2. | Page 7, Section 5.7.1 | Change reference from 1990 to 2000 Bureau of Census Information |
| 3. | Appendix A | Replace entire Appendix A "1990 Census Information" with "2000 Census Information" |

Need for the Proposed Rule Change

The Infrastructure Council coordinates all the funding agencies for water and sewer projects. It is imperative that all the funding agencies remain consistent in the eligibility requirements. The U.S. EPA has made findings against the federal Clean Water State Revolving Fund and the Drinking Water Treatment Revolving Fund recommending the most current census information be used in determining funding eligibility. Delay in converting to the more up to date census information could delay these federal grant awards. The proposed changes would enable all the agencies to utilize the most current information available during the next federal grant application period (July - October 2003), remain consistent and simplify the funding application process for utilities.

The reduction of the customer usage from 4,500 to 4,000 gallons per month will enable utilities to better plan financially for their critically needed infrastructure projects. The Infrastructure Council received a report indicating that the average usage is actually only 4,000 gallons per month. This would reduce the number of utilities in financial trouble due to inaccurate assumptions which result in utility rate increases to the ultimate customer.

Fiscal Note

■
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Infrastructure and Jobs Development Council

Type of Rule: X Legislative Interpretive Procedural

Agency: West Virginia Infrastructure and Jobs development Council

Address: 300 Summers Street, Suite 980

Charleston, West Virginia 25301

304-558-4609 (FAX)

304-558-4607 (Phone)

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0.00	0.00	0.00	0.00	0.00
PERSONAL SERVICES	0.00	0.00	0.00	0.00	0.00
CURRENT EXPENSE	0.00	0.00	0.00	0.00	0.00
REPAIRS & ALTERATIONS	0.00	0.00	0.00	0.00	0.00
EQUIPMENT	0.00	0.00	0.00	0.00	0.00
OTHER	0.00	0.00	0.00	0.00	0.00

2. Explanation of Above Estimates:

The proposed rule revisions only updates the median household income from the 1990 to 2000 census data and reduces projection of customer water usage in projecting utility revenues.

3. Objectives of These Rules:

The objective of this rule revision is to provide better guidance to utilities applying for financial assistance for infrastructure projects.

Rule Title: Infrastructure and Jobs Development Council

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

The proposed rule revision will enable better coordination with state and federal funding agencies for infrastructure projects.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of

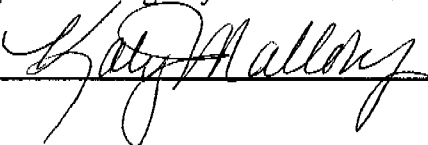
Citizens: The proposed rule revisions will streamline and simplify the funding application process for the utilities and also provide revenue projections on a more realistic water consumption average which will enable utilities to better plan financially for funding of infrastructure projects.

C. Economic Impact on Citizens/Public at Large.

The customers of a utility with a proposed project should see fewer rate increases for an infrastructure project due to better revenue projections at the application level.

Date: April 3, 2003

Signature of Agency Head or Authorized Representative:



Proposed Emergency Rule

FILED

TITLE 167
LEGISLATIVE RULE
WEST VIRGINIA INFRASTRUCTURE 2003 JUN 23 A 11: 16
JOBS DEVELOPMENT COUNCIL

SERIES 1
INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§167-1-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes guidelines to be used by the Council in evaluating any request by a project sponsor for funding assistance for the planning, design, acquisition, or construction of water and waste water projects and the funding of all or any part of such projects through the Infrastructure Fund.

1.2. Authority. -- W. Va. Code §§31-15A-4, 31-15A-5 and 31-15A-10.

1.3. Filing Date. -- August 4, 1998.

1.4. Effective Date. -- May 20, 1999.

§167-1-2. Definitions.

2.1. "Act" means the Infrastructure and Jobs Development Act, W. Va. Code §31-15A-1 et seq.

2.2. "Cost" means, as applied to any project to be financed in whole or in part with infrastructure revenues or funds otherwise provided pursuant to the Act, the cost of planning, acquisition, improvement and construction of the project; the cost of preliminary design and analysis, surveys, borings; the cost of environmental, financial, market and engineering feasibility studies, assessments, applications, approvals, submissions or clearances; the cost of preparation of plans and specifications and other engineering services; the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights and any other interests required for the acquisition, repair, improvement or

construction of the project; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which buildings or structures may be moved; the cost of excavation, grading, shaping or treatment of earth, demolishing or removing any buildings or structures; the cost of constructing any buildings or other improvements; the cost of all pumps, tanks, vehicles, apparatus and other machinery, furnishings and equipment; loan or origination fees and all finance charges and interest incurred prior to and during the construction and for no more than six months after completion of construction; the cost of legal services and expenses; the cost of all plans, specifications, surveys and estimates of cost; all working capital and other expenses necessary or incident to determining the feasibility or practicability of acquiring, repairing, improving or constructing any project; the cost of placing any project in operation; and all other costs and expenses of any kind or nature incurred or to be incurred by the project sponsor developing the project that are reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project: Provided, That costs shall not include any amounts related to the ongoing operations of the owner or operator, depreciation thereof or any other cost which the Council or the Water Development Authority has not determined to be consistent with the purposes and objectives of the Act.

2.3. "Council" means the West Virginia Infrastructure and Jobs Development Council created pursuant to Section 3 of the Act.

2.4. "Crisis Situation" means a recent incident such as an act of God (drought, freeze, flood, storm or landslide), or an act of man (chemical spill or vandalism), resulting in an outage or a significant decline in quality or quantity of potable water or the treatment of waste water which poses a serious and immediate threat or endangerment to health for which local funds are not available to resolve: Provided, That a crisis situation caused by an act of man shall not include occurrences resulting from the lack of maintenance; negligence; normal replacement of operating parts, pumps, or systems; or upgrades to achieve compliance with existing or new regulatory standards.

2.5. "Division of Environmental Protection" means the Division of Environmental Protection established under W. Va. Code §22-1 et seq. or any successor to all or any substantial part of its powers and duties.

2.6. "Division of Health" means the Division of Health created in W. Va. Code §16-1 et seq. or any successor to all or any substantial part of its powers and duties.

2.7. "Economic Development Authority" means the Economic Development Authority established under W. Va. Code §31-15 et seq. or any successor to all or any substantial part of its powers and duties.

2.8. "Governmental agency" means any county; municipality; watershed improvement district; assessment district; soil conservation district; sanitary district; public service district; drainage district; regional governmental authority and any other state governmental agency, entity, political subdivision or public corporation or agency authorized to acquire, construct or operate water or waste water facilities or infrastructure projects.

2.9. "Housing Development Fund" means the West Virginia Housing Development Fund established under W. Va. Code §31-18 et seq. or

any successor to all or any substantial part of its powers and duties.

2.10. "Infrastructure Fund" means the West Virginia Infrastructure Fund established in accordance with Section nine of the Act.

2.11. "Infrastructure project" means a project in the State which the Council determines is likely to foster and enhance public health, economic growth and development in the area of the State in which the project is developed, for commercial, industrial, community improvement or preservation or other proper purposes. Infrastructure projects include but are not limited to tourism and recreational housing, land, air or water transportation facilities and bridges, industrial or commercial projects and facilities, mail order, warehouses, wholesale and retail sales facilities and other real and personal properties, including facilities owned or leased by this state or any other project sponsor, and includes, without limitation (1) the process of acquiring, holding, operating, planning, financing, demolition, construction, improving, expanding, renovation, leasing or otherwise disposing of the project or any part thereof or interest therein, and (2) preparing land for construction and making, installing or constructing improvements on the land, including water or waste water facilities or any part thereof, steam, gas, telephone and telecommunications and electric lines and installations, roads, bridges, railroad spurs, buildings, docking and shipping facilities, curbs, gutters, sidewalks, and drainage and flood control facilities, whether on or off the site.

2.12. "Infrastructure revenue" means all amounts appropriated by the Legislature; all amounts deposited into the Infrastructure Fund; any amounts received, directly or indirectly, from any source for the use of all or any part of any project completed pursuant to this Act; and any other amounts received by the State Treasurer, the Council or the Water Development Authority for the purposes of the Act.

2.13. "Need of the project sponsors" means there is a public need for a project. The Council shall construe a population increase evidenced by the last two decennial censuses in a county in which a project is proposed, as a factor supporting the conclusion that a need exists for projects in that county.

2.14. "Project" means any waste water facility or water facility project, or any combination thereof, constructed or operated or to be constructed or operated by a project sponsor.

2.15. "Project sponsor" means any person or governmental agency, or any combination thereof, including, but not limited to, any public utility, which intends to plan, acquire, construct, improve or otherwise develop a project or infrastructure project.

2.16. "Public Service Commission" means the Public Service Commission of West Virginia created and established under W. Va. Code §24-1-3 or any successor to all or any substantial part of its powers and duties.

2.17. "Person" means any individual, corporation, partnership, association, limited liability company or any other form of business organization.

2.18. "Public utility" means any person or persons, or association of persons, however associated, whether incorporated or not, including, without limitation, any governmental agency, operating a waste water facility or water facility as a public service, which is regulated by the Public Service Commission as a public utility or which is required to file its tariff with the Public Service Commission.

2.19. "State Development Office" means the West Virginia Development Office established under W. Va. Code §5B-2 et seq. or any successor to all or any substantial part of its powers and duties.

2.20. "State infrastructure agency" means the Division of Health, Division of Environmental Protection, Housing Development Fund, Public Service Commission, State Development Office, Water Development Authority, Economic Development Authority and any other state agency, division, body, authority, commission, instrumentality or entity which now receives or in the future may receive applications for the funding of, and provides funding or technical assistance for, the planning, acquisition, construction or improvement of a project.

2.21. "Waste water facility" means all public facilities, land and equipment used for or in connection with treating, neutralizing, disposing of, stabilizing, cooling, segregating or holding waste water, including, without limitation, facilities for the treatment and disposal of sewage, industrial wastes or other wastes, waste water, and the residue thereof; facilities for the temporary or permanent impoundment of waste water, both surface and underground; and sanitary sewers or other collection systems, whether on the surface or underground, designed to transport waste water together with the equipment and furnishings therefor or thereof and their appurtenances and systems, whether on the surface or underground including force mains and pumping facilities therefor.

2.22. "Water Development Authority" means the West Virginia Water Development Authority established under W. Va. Code §22C-1 et seq. or any successor to all or any substantial part of its powers and duties.

2.23. "Water facility" means all public facilities, land and equipment used for or in connection with the collection and/or storage of water, both surface and underground, transportation of water, storage of water, treatment of water and distribution of water for the purpose of providing potable, sanitary water suitable for human consumption and use.

§167-1-3. Projects.

3.1. Project Review. Prior to applying for or receiving any loan, loan guarantee, grant or other funding assistance for a project from any State infrastructure agency, a project sponsor must submit a preliminary application on the Council's form and must receive the Council's recommendation.

3.1.1. If a project sponsor believes that a project is outside the review of the Council, then the project sponsor shall complete only the appropriate sections of the preliminary application form and shall request an exemption from review.

3.2. Exemption from Review. The Council shall exempt a project from the preliminary application review process:

3.2.1. Any project sponsor which either had received acceptable bids for the project or had all funding in place on July 1, 1994.

3.2.2. Any funding from a State infrastructure agency where the recipient of the funding is designated by state or federal law or regulation.

3.2.3. Any funding from any state agency determined by the Council not to be a State infrastructure agency.

3.2.4. Any funding from the governor's civil contingent fund with regard to projects or infrastructure projects.

3.2.5. Any activity funded by a State infrastructure agency determined by the Council to be outside the scope of the definition of project.

3.2.6. Any action taken by the Economic Development Authority pursuant to the authority established in W. Va. Code §31-15 et seq.

3.2.7. The North Fork Hughes River project described in Section 8(d) of the Act.

3.3. Preliminary Application Filing. A project sponsor may file a preliminary application with the Council, at the offices of the Water Development Authority, at any time: Provided, that the preliminary application will not be formally accepted until such preliminary application is presented to the Council at the next regularly scheduled Council meeting, at which time the thirty-day review period shall begin. The Water Development Authority may, but is not required to, circulate the preliminary application to Council members or Council committees in advance of such meeting.

3.4. Preliminary Application Review. Within thirty days of the Council's formal acceptance of a complete preliminary application from a project sponsor, the Council shall either recommend that the project sponsor seek funding or that the project sponsor not seek funding for the project or request additional information if necessary to make a determination.

3.5. Approval. If the Council determines that the project is consistent with the Act, it shall make a written recommendation for the project financing stating: (i) the loan, loan guarantee or grant, or any combination thereof, for which the project sponsor should apply; (ii) the amount or amounts of said loan, loan guarantees or grant; (iii) the source or sources of such funding and (iv) which State infrastructure agency or agencies should consider funding the project, including funding from the Infrastructure Fund.

3.6. Funding of Project. The Council may provide that if the recommended funding sources have not or cannot dedicate money for the project, the project sponsor shall submit a supplement to its preliminary application to the Council for consideration of alternate funding from another funding source or the Infrastructure Fund.

3.7. Denial. If the Council determines that the project is not eligible for funding assistance from any State infrastructure agency, or that the project is not otherwise an appropriate or prudent

investment of State funds, it shall recommend that the project sponsor not seek funding from any State infrastructure agency.

3.8. Recommendations. The Council shall provide a copy of its recommendation, together with a copy of the preliminary application, if not previously provided, to all State infrastructure agencies which are listed in the recommendation as recommended funding sources.

§167-1-4. Review Guidelines.

4.1. Determination of Eligible Projects. When evaluating any request for funding assistance to plan, acquire, construct, improve or otherwise develop a project, the Council and other State infrastructure agencies shall consider the following:

4.1.1. The public health benefits;

4.1.2. The economic development benefits;

4.1.3. The degree to which the project will correct deficiencies involving compliance of water systems or sewage treatment facilities with State or federal laws, regulations or standards;

4.1.4. The degree to which the project encourages effective and efficient consolidation of water or sewage treatment systems consistent with the comprehensive plan developed pursuant to Section six of the Act;

4.1.5. The cost effectiveness of the project as compared with alternatives which achieve substantially the same public health or economic development benefits, including the consideration of system operation and maintenance requirements and providing maximum feasible fire protection;

4.1.6. The availability of alternative sources of funding which could finance all or a part of the project, and the need for the assistance

of the Council to finance the project or attract other sources of funding;

4.1.7. The applicant's ability to operate and maintain the system if the project is approved;

4.1.8. The degree to which the project achieves other State or regional planning goals;

4.1.9. The estimated date upon which the project could commence if funding were available and the estimated completion date of the project;

4.1.10. Such other considerations as the Council may consider necessary or appropriate to accomplish the purpose and intent of the Act.

4.2. Waste Water Guidelines. When evaluating a request for funding a project which will include the construction, improvement, or development of a waste water facility or system, the Council and other State infrastructure agencies shall consider the following:

4.2.1. The improvement of public health by addressing direct human impact due to system malfunctions or inadequately treated sewage; the severity of individual or public water supply contamination; the degree of impact on public bathing areas; and the severity of safety hazards from deteriorated facilities.

4.2.2. The enhancement of economic development by encouraging directly or indirectly development activity and job creation or retention.

4.2.3. The facilitation of enforcement compliance by reducing existence of overload conditions, damage to fish and aquatic life, loss of boating and recreation opportunity, impact on industrial water supply uses, impact on crop irrigation and degradation of streams used for stock watering.

4.2.4. The adequacy, efficiency and social impact; the extent that reorganization or consolidation of facilities will be accomplished;

whether the population will be directly affected; the ongoing ability of the applicant to operate and maintain the project facilities and system; an increase in the reliability of service; and efficiency of the proposed solution when compared with other alternatives.

4.2.5. The enhancement of the State goal of providing waste water treatment in developing or developable but currently unserved areas.

4.3. Water Guidelines. When evaluating a request for funding of a project which will include the construction, improvement, or development of a water facility or system, the Council and other State infrastructure agencies shall consider the following:

4.3.1. The effect on public health; the elimination of an ongoing public health hazard; the elimination of a periodic or potential public health hazard; and the preventive maintenance related to health hazards.

4.3.2. The enhancement of economic development activity and job creation or retention resulting directly or indirectly from the project; the opportunity to use other State programs; and the degree of local distress in the area where the project is located.

4.3.3. The effect on compliance and improvement in water system design, treatment, service, operation and compliance.

4.3.4. The ongoing ability of the applicant to operate and maintain the project facility and system.

4.3.5. The beneficial environmental and social impacts; beneficial environmental impact only; and beneficial social impact only.

4.3.6. The adequacy and efficiency of the water facility or system; the increase in availability of water, water conservation or improvement in aesthetic water quality; the

increase in the reliability of service; and the efficiency of the proposed solution when compared with other alternatives.

4.3.7. The enhancement of the State goal of providing potable water in developing but currently unserved areas.

§167-1-5. Infrastructure Fund Administration.

5.1. Administration of Infrastructure Fund. The Water Development Authority shall administer amounts in the Infrastructure Fund.

5.2. Sources of Money for Fund. The Infrastructure Fund shall consist of infrastructure revenues; any appropriations, grants, gifts, contributions, loan proceeds or other revenues received by the Infrastructure Fund from any source, public or private; amounts received as payments on any loans made by the Water Development Authority from the Infrastructure Fund to pay for the cost of a project or infrastructure project; insurance proceeds payable to the Water Development Authority or the Infrastructure Fund in connection with any infrastructure project or project; all income earned on moneys held in the Infrastructure Fund; all funds deposited in accordance with the Act; and all proceeds derived from the sale of bonds issued pursuant to W. Va. Code §31-15B et seq.

5.3. Use of Moneys in the Fund. Upon the written recommendation of the Council, and subject to the restrictions set forth in the Act, including but not limited to the restrictions set forth below, the Water Development Authority shall use money in the Infrastructure Fund to make loans, loan guarantees or grants, or any combination thereof, and to provide financial, technical or other assistance as necessary to finance all or part of the costs of infrastructure projects or projects to be undertaken by a project sponsor.

5.4. Council Determination. Prior to the Water Development Authority's making any loan,

loan guarantee, grant or other assistance, the Council shall determine that the loan, loan guarantee, grant or other assistance and the manner in which it will be provided are necessary or appropriate to accomplish the purposes and intent of the Act.

5.5. Eligible Grant Recipients. The Council shall not authorize the Water Development Authority to make grants for any project to any project sponsor (i) which is not a governmental agency or a not-for-profit corporation, or (ii) where the project, if funded, will provide subsidized services to certain users in the service area of the project.

5.6. Grant Requirements. The Water Development Authority may make a grant to a project sponsor for a project if the Council in its sole discretion determines and finds that (1) the level of rates for the users would otherwise be an unreasonable burden given the users' likely ability to pay; or (2) the absence of a sufficient number of users prevents funding of the project except through grants. Prior to awarding any infrastructure grant money to a project sponsor, the Council must determine that no other funding is available for the proposed grant portion of the project.

5.7. Grant Criteria. In determining whether a grant should be offered, and, if so, what proportion of the financial assistance offered should constitute a grant and what portion should constitute a loan or other loan assistance, the Council will consider the ultimate effect that financing a project's costs will have on the rates that users will be required to pay.

5.7.1. In performing this assessment, the Council shall review the mandatory minimum end user utility rate that must be met by the project sponsor before grant assistance may be awarded. This mandatory minimum end user utility rate shall be based upon a uniform statewide percentage of the median household income as determined and published by the United States

Department of Commerce, Bureau of the Census, for the geographic area which the project will serve and upon an average customer usage of ~~4,500~~ 4000 gallons per month. The uniform percentage rate shall be .6% of the median household income. The Council shall base its determination on the median household income for the Bureau of Census established minor civil division (MCD) most closely related to the geographic boundaries of the project sponsor as established by law. The minor civil divisions and the median household incomes extracted from the ~~1990~~ 2000 Bureau of Census report are set forth in Appendix A attached hereto and incorporated herein by reference. If the project sponsor provides service to two or more MCD's but does not serve an entire county or if a municipal project sponsor serves outside its corporate boundaries, then the Council shall compute the minimum end user utility rate in accordance with the formula set forth in Appendix A. When determining median household income of a geographic area of the project to be served, the Council shall also consider any surveys of the income of the households that will be served by the project.

5.7.2. The Council may further consider factors including, but not limited to, the financial condition of the applicant, including revenues, expenses, debt structure, reserve balances, available collateral and financial condition of the project sponsor, and the inability of the project sponsor to secure grant funding from other sources.

5.8. Limit on Grant Amount. Any moneys disbursed from the Infrastructure Fund in the form of grants shall not exceed twenty percent of the total funds available for the funding of projects. The Council may limit individual grant awards to whatever amount it deems desirable to advance the intent and purposes of the Act: Provided, That no project sponsor shall receive infrastructure grant money in an amount in excess of fifty percent of the total cost of the project.

5.9. Terms of Grant. Where a project

sponsor has received infrastructure grant money to fund a project, and such project is thereafter sold then to the extent that proceeds are available, the project sponsor shall reimburse the infrastructure fund the amount of the infrastructure grant. In the alternative, the council may allow repayment of the grant by converting the grant into a loan from the infrastructure fund. The proceeds from the repayment of any such grant or grant which has been converted to a loan shall retain their character as proceeds available for grants. The amount of repayment may be reduced by the applicable share of accumulated depreciation of the project or the applicable share of accumulated accelerated depreciation of the project as determined by the Council. The infrastructure council shall review any agreement between the project sponsor and the person or entity purchasing the project to determine whether the agreement was structured so that no proceeds would become available for the repayment of the grant funds. If the infrastructure council finds that the transaction was structured by the parties to intentionally preclude the availability of proceeds for the repayment of the infrastructure grant funds, then the council may require the project sponsor to repay the full amount of any infrastructure grant. The Council shall prepare a report listing those projects which received infrastructure grant money and are sold. The report shall include a description of the terms by which the infrastructure grant will be repaid. The report shall be provided on or before the tenth day of January each year to the Joint Committee on Government and Finance.

5.10. Loans. The Council shall authorize the Water Development Authority to make loans or loan assistance from the Infrastructure Fund on a case-by-case basis based on the need of the project sponsor and upon such terms and conditions as the Council shall recommend. No loan or loan assistance will be authorized where the project, if funded, will provide subsidized services to certain users in the service area of the project.

5.11. Limit on Loan Amount. The Council may limit loans to project sponsors to whatever amount it deems desirable to advance the intent and purposes of the Act.

5.12. Limit on Loan Interest Rate. The interest rate on any loan to governmental, quasi-governmental, or not-for-profit project sponsors for projects made pursuant to the Act shall not exceed three percent per annum. Loans made to for profit entities shall bear interest at the current market rates which shall be the equivalent of the prime rate published as such in the Wall Street Journal, or similar publication, on the date of the loan commitment.

5.13. Financial Assistance from the Fund. Each loan, loan guarantee, grant or other assistance made or provided by the Water Development Authority shall be evidenced by a loan, loan guarantee, grant or assistance agreement between the Water Development Authority and the project sponsor to which the loan, loan guarantee, grant or assistance shall be made or provided, which agreement shall include, without limitation and to the extent applicable, the following provisions:

5.13.1. The estimated cost of the infrastructure project or project, the amount of the loan, loan guarantee or grant or the nature of the assistance, and in the case of a loan or loan guarantee, the terms of repayment and the security therefore, if any;

5.13.2. The specific purposes for which the loan or grant proceeds shall be expended or the benefits to accrue from such loan guarantee or other assistance, and the conditions and procedure for disbursing loan or grant proceeds;

5.13.3. The duties and obligations imposed upon the project sponsor regarding the acquisition, construction, improvement or operation of the project or infrastructure project; and

5.13.4. The agreement of the project sponsor to comply with all applicable federal and state laws, and all rules and regulations issued or imposed by the Council or other state, federal or local bodies regarding the acquisition, construction, improvement or operation of the infrastructure project or project and granting the Water Development Authority the right to appoint a receiver for the project if the project sponsor should default on any terms of the agreement.

5.13.5. Each project sponsor who receives assistance from the Infrastructure Fund for a project must certify to the Council that it will construct any building required for public use with a roof sloped sufficiently to allow for the proper drainage of water.

5.13.6. Funding assistance made from the proceeds of any general obligation bonds and revenue bonds issued after the fifteenth day of March, one thousand nine hundred ninety-eight, after transfers required to make the State match for the water and wastewater revolving loan programs pursuant to article two, chapter twenty-two-c and article thirteen-c, chapter sixteen of the Code, shall be provided by the Council on a pro rata basis divided equally among the congressional districts of the State as delineated in accordance with section three, article two, chapter one of the Code. Infrastructure projects shall not be subject to pro rata distribution.

5.14. Advance Funding Assistance. If the Council determines that the engineering studies and requirements for the pre-application process would impose an undue hardship on a project sponsor, the Council may provide funding assistance to the project sponsor to defray the expenses of such process from moneys available in the Infrastructure Fund: Provided, That such funding assistance is limited to an amount equal to five thousand dollars or fifty percent of the total pre-application cost, whichever amount is greater. If the project is ultimately approved for a loan by the Council, the amount of such funding assistance shall be included in the total amount of

the loan to be repaid by the project sponsor. If the project is not ultimately approved by the Council, the amount of such funding assistance shall be considered a grant by the Council, and the total amount of the assistance shall be forgiven. In no event may the amount of advance funding assistance provided to all project sponsors exceed, in the aggregate, one hundred thousand dollars annually, as determined on a State fiscal year basis.

5.15. Crisis Situation Funding Assistance. The Water Development Authority, upon recommendation of the Council or designated committees of Council, shall make funding available to provide assistance to restore or safeguard water or waste water treatment service following a crisis situation which is an immediate threat or endangerment to the public health, provided, that the project sponsor must notify the Council as soon as reasonably possible following the incident and make application for funding in writing within 30 days of the incident.

5.16. Other Assistance. The Authority, at the discretion of the Council, may provide other forms and methods of assistance in addition to loans and grants, including, but not limited to, bond and loan guarantees and the purchase of insurance for the bonds.

Add this Entire Section to Replace Previous Appendix A

Appendix A
Median Household Income and Average Customer Bill
Municipalities

Municipality	2000 Census Median HH Income	Avg Yearly Bill Based on 0.6%	Avg Monthly Bill Based on 0.6%
Addison (Webster Springs) town	\$20,592	\$123.55	\$10.30
Albright town	21,389	128.33	10.69
Alderson town	23,043	138.26	11.52
Alum Creek CDP	40,714	244.28	20.36
Amherstdale-Robinette CDP	28,512	171.07	14.26
Anawalt town	13,333	80.00	6.67
Anmoore town	25,000	150.00	12.50
Ansted town	25,028	150.17	12.51
Athens town	27,260	163.56	13.63
Auburn town	19,063	114.38	9.53
Bancroft town	28,833	173.00	14.42
Barboursville village	35,139	210.83	17.57
Barrackville town	31,587	189.52	15.79
Bath (Berkeley Springs) town	24,934	149.60	12.47
Bayard town	25,156	150.94	12.58
Beaver CDP	25,836	155.02	12.92
Beckley city	28,122	168.73	14.06
Beech Bottom village	33,393	200.36	16.70
Belington town	22,154	132.92	11.08
Belle town	34,118	204.71	17.06
Belmont city	27,375	164.25	13.69
Benwood city	20,478	122.87	10.24
Bethany town	36,375	218.25	18.19
Bethlehem village	43,802	262.81	21.90
Beverly town	21,875	131.25	10.94
Blacksville town	31,250	187.50	15.63
Blennerhassett CDP	51,250	307.50	25.63
Bluefield city	27,672	166.03	13.84
Boaz CDP	39,250	235.50	19.63
Bolivar town	42,375	254.25	21.19
Bradley CDP	28,844	173.06	14.42
Bradshaw town	12,083	72.50	6.04
Bramwell town	21,979	131.87	10.99
Brandonville town	28,125	168.75	14.06
Bridgeport city	49,310	295.86	24.66
Brookhaven CDP	32,206	193.24	16.10
Bruceton Mills town	25,625	153.75	12.81

Appendix A
Median Household Income and Average Customer Bill
Municipalities

Municipality	2000 Census Median HH Income	Avg Yearly Bill Based on 0.6%	Avg Monthly Bill Based on 0.6%
Buckhannon city	23,421	140.53	11.71
Buffalo town	26,481	158.89	13.24
Burnsville town	24,167	145.00	12.08
Cairo town	24,688	148.13	12.34
Camden-on-Gauley town	15,417	92.50	7.71
Cameron city	25,119	150.71	12.56
Capon Bridge town	30,750	184.50	15.38
Carpendale town	35,404	212.42	17.70
Cassville CDP	25,799	154.79	12.90
Cedar Grove town	23,250	139.50	11.63
Ceredo city	24,323	145.94	12.16
Chapmanville town	23,077	138.46	11.54
Charles Town city	32,538	195.23	16.27
Charleston city	34,009	204.05	17.00
Chattaroy CDP	31,563	189.38	15.78
Cheat Lake CDP	48,594	291.56	24.30
Chesapeake town	29,526	177.16	14.76
Chester city	28,550	171.30	14.28
Clarksburg city	27,722	166.33	13.86
Clay town	14,712	88.27	7.36
Clearview village	41,250	247.50	20.63
Clendenin town	32,000	192.00	16.00
Coal City CDP	28,049	168.29	14.02
Coal Fork CDP	26,250	157.50	13.13
Corporation of Ranson town	24,485	146.91	12.24
Cowen town	21,250	127.50	10.63
Crab Orchard CDP	29,932	179.59	14.97
Craigsville CDP	24,631	147.79	12.32
Cross Lanes CDP	45,334	272.00	22.67
Culloden CDP	39,135	234.81	19.57
Daniels CDP	27,955	167.73	13.98
Danville town	21,369	128.21	10.68
Davis town	25,221	151.33	12.61
Davy town	16,250	97.50	8.13
Delbarton town	21,875	131.25	10.94
Despard CDP	19,740	118.44	9.87
Dunbar city	35,117	210.70	17.56

Appendix A
Median Household Income and Average Customer Bill
Municipalities

Municipality	2000 Census Median HH Income	Avg Yearly Bill Based on 0.6%	Avg Monthly Bill Based on 0.6%
Durbin town	23,462	140.77	11.73
East Bank town	35,341	212.05	17.67
Eleanor town	35,284	211.70	17.64
Elizabeth town	25,114	150.68	12.56
Elk Garden town	24,375	146.25	12.19
Elkins city	26,906	161.44	13.45
Elkview CDP	35,033	210.20	17.52
Ellenboro town	22,500	135.00	11.25
Enterprise CDP	29,583	177.50	14.79
Fairlea CDP	20,664	123.98	10.33
Fairmont city	25,628	153.77	12.81
Fairview town	24,896	149.38	12.45
Falling Spring town	25,469	152.81	12.73
Farmington town	29,375	176.25	14.69
Fayetteville town	35,043	210.26	17.52
Flatwoods town	29,500	177.00	14.75
Flemington town	27,917	167.50	13.96
Follansbee city	30,818	184.91	15.41
Fort Ashby CDP	32,375	194.25	16.19
Fort Gay town	14,565	87.39	7.28
Franklin town	32,125	192.75	16.06
Friendly town	33,571	201.43	16.79
Gary city	22,857	137.14	11.43
Gassaway town	23,009	138.05	11.50
Gauley Bridge town	22,500	135.00	11.25
Gilbert Creek CDP	16,625	99.75	8.31
Gilbert town	29,219	175.31	14.61
Glasgow town	35,526	213.16	17.76
Glen Dale city	40,000	240.00	20.00
Glenville town	20,243	121.46	10.12
Grafton city	21,981	131.89	10.99
Grant Town town	24,722	148.33	12.36
Grantsville town	26,111	156.67	13.06
Granville town	22,583	135.50	11.29
Hambleton town	23,625	141.75	11.81
Hamlin town	22,143	132.86	11.07
Handley town	21,429	128.57	10.71

Appendix A
Median Household Income and Average Customer Bill
Municipalities

Municipality	2000 Census Median HH Income	Avg Yearly Bill Based on 0.6%	Avg Monthly Bill Based on 0.6%
Harman town	21,136	126.82	10.57
Harpers Ferry town	52,344	314.06	26.17
Harrisville town	28,750	172.50	14.38
Hartford City town	24,219	145.31	12.11
Harts CDP	21,703	130.22	10.85
Hedgesville town	49,375	296.25	24.69
Henderson town	15,865	95.19	7.93
Hendricks town	26,705	160.23	13.35
Hillsboro town	29,583	177.50	14.79
Hinton city	20,323	121.94	10.16
Holden CDP	23,510	141.06	11.76
Hooverston Heights CDP	37,101	222.61	18.55
Hundred town	25,192	151.15	12.60
Huntington city	23,234	139.40	11.62
Hurricane city	39,591	237.55	19.80
Huttonsville town	22,321	133.93	11.16
Iaeger town	14,886	89.32	7.44
Inwood CDP	41,033	246.20	20.52
Jane Lew town	23,571	141.43	11.79
Jefferson town	16,384	98.30	8.19
Junior town	20,536	123.22	10.27
Kenova city	23,342	140.05	11.67
Kermit town	31,500	189.00	15.75
Keyser city	23,718	142.31	11.86
Keystone city	10,417	62.50	5.21
Kimball town	17,333	104.00	8.67
Kingwood city	29,155	174.93	14.58
Leon town	21,429	128.57	10.71
Lester town	24,375	146.25	12.19
Lewisburg city	27,857	167.14	13.93
Littleton town	15,714	94.28	7.86
Logan city	22,623	135.74	11.31
Lost Creek town	26,563	159.38	13.28
Lubeck CDP	42,614	255.68	21.31
Lumberport town	33,750	202.50	16.88
Mabscott town	28,021	168.13	14.01
MacArthur CDP	29,607	177.64	14.80

Appendix A
Median Household Income and Average Customer Bill
Municipalities

Municipality	2000 Census Median HH Income	Avg Yearly Bill Based on 0.6%	Avg Monthly Bill Based on 0.6%
Madison city	29,911	179.47	14.96
Mallory CDP	24,458	146.75	12.23
Man town	40,179	241.07	20.09
Mannington city	26,806	160.84	13.40
Marlinton town	21,293	127.76	10.65
Marmet city	29,779	178.67	14.89
Martinsburg city	29,495	176.97	14.75
Mason town	24,621	147.73	12.31
Masontown town	22,750	136.50	11.38
Matewan town	13,529	81.17	6.76
Matoaka town	17,159	102.95	8.58
McMechen city	27,179	163.07	13.59
Meadow Bridge town	23,194	139.16	11.60
Middlebourne town	28,704	172.22	14.35
Mill Creek town	24,886	149.32	12.44
Milton town	29,348	176.09	14.67
Mineralwells CDP	42,083	252.50	21.04
Mitchell Heights town	52,500	315.00	26.25
Monongah town	25,750	154.50	12.88
Montcalm CDP	20,435	122.61	10.22
Montgomery city	20,606	123.64	10.30
Montrose town	33,571	201.43	16.79
Moorefield town	24,178	145.07	12.09
Morgantown city	20,649	123.89	10.32
Moundsville city	23,107	138.64	11.55
Mount Gay-Shamrock CDP	18,975	113.85	9.49
Mount Hope city	18,375	110.25	9.19
Mullens city	27,742	166.45	13.87
New Cumberland city	28,529	171.17	14.26
New Haven town	27,008	162.05	13.50
New Martinsville city	33,750	202.50	16.88
Newburg town	24,063	144.38	12.03
Newell CDP	31,343	188.06	15.67
Nitro city	32,389	194.33	16.19
North Hills town	83,659	501.95	41.83
Northford town	16,544	99.26	8.27
Nutter Fort town	30,163	180.98	15.08

Appendix A
Median Household Income and Average Customer Bill
Municipalities

Municipality	2000 Census Median HH Income	Avg Yearly Bill Based on 0.6%	Avg Monthly Bill Based on 0.6%
Oak Hill city	24,792	148.75	12.40
Oakvale town	22,500	135.00	11.25
Oceana town	19,273	115.64	9.64
Paden City city	32,940	197.64	16.47
Parkersburg city	26,990	161.94	13.50
Parsons city	26,424	158.54	13.21
Paw Paw town	25,625	153.75	12.81
Pax town	21,875	131.25	10.94
Pea Ridge CDP	41,739	250.43	20.87
Pennsboro city	24,120	144.72	12.06
Petersburg city	24,867	149.20	12.43
Peterstown town	23,036	138.22	11.52
Philippi city	21,528	129.17	10.76
Piedmont town	21,190	127.14	10.60
Pinch CDP	46,516	279.10	23.26
Pine Grove town	25,769	154.61	12.88
Pineville town	31,008	186.05	15.50
Piney View CDP	26,324	157.94	13.16
Pleasant Valley city	33,686	202.12	16.84
Poca town	42,273	253.64	21.14
Point Pleasant city	27,022	162.13	13.51
Powellton CDP	23,224	139.34	11.61
Pratt town	37,500	225.00	18.75
Princeton city	21,736	130.42	10.87
Prosperity CDP	31,632	189.79	15.82
Pullman town	19,821	118.93	9.91
Quinwood town	21,705	130.23	10.85
Rainelle town	19,491	116.95	9.75
Ravenswood city	30,308	181.85	15.15
Red Jacket CDP	21,364	128.18	10.68
Reedsville town	32,273	193.64	16.14
Reedy town	17,000	102.00	8.50
Rhodell town	17,143	102.86	8.57
Richwood city	21,620	129.72	10.81
Ridgeley town	26,016	156.10	13.01
Ripley city	25,861	155.17	12.93
Rivesville town	25,700	154.20	12.85

Appendix A
Median Household Income and Average Customer Bill
Municipalities

Municipality	2000 Census Median HH Income	Avg Yearly Bill Based on 0.6%	Avg Monthly Bill Based on 0.6%
Romney city	22,261	133.57	11.13
Ronceverte city	24,400	146.40	12.20
Rowlesburg town	28,125	168.75	14.06
Rupert town	20,250	121.50	10.13
Salem city	16,577	99.46	8.29
Sand Fork town	30,179	181.07	15.09
Shady Spring CDP	29,464	176.78	14.73
Shepherdstown town	40,750	244.50	20.38
Shinnston city	26,786	160.72	13.39
Sissonville CDP	36,725	220.35	18.36
Sistersville city	26,799	160.79	13.40
Smithers city	20,417	122.50	10.21
Smithfield town	18,500	111.00	9.25
Sophia town	26,008	156.05	13.00
South Charleston city	37,905	227.43	18.95
Spencer city	19,773	118.64	9.89
St Albans city	37,130	222.78	18.57
Stanaford CDP	30,640	183.84	15.32
Star City town	26,771	160.63	13.39
Stonewood city	28,000	168.00	14.00
St. Marys city	30,755	184.53	15.38
Summersville town	29,783	178.70	14.89
Sutton town	25,134	150.80	12.57
Switzer CDP	21,806	130.84	10.90
Sylvester town	35,625	213.75	17.81
Teays Valley CDP	53,053	318.32	26.53
Terra Alta town	25,388	152.33	12.69
Thomas city	22,443	134.66	11.22
Thurmond town	23,750	142.50	11.88
Tornado CDP	50,000	300.00	25.00
Triadelphia town	26,169	157.01	13.08
Tunnelton town	18,125	108.75	9.06
Union town	21,797	130.78	10.90
Valley Grove village	27,813	166.88	13.91
Vienna city	39,220	235.32	19.61
War city	16,012	96.07	8.01
Wardensville town	28,864	173.18	14.43

Appendix A
Median Household Income and Average Customer Bill
Municipalities

Municipality	2000 Census Median HH Income	Avg Yearly Bill Based on 0.6%	Avg Monthly Bill Based on 0.6%
Washington CDP	54,483	326.90	27.24
Wayne town	20,242	121.45	10.12
Weirton city	35,212	211.27	17.61
Welch city	19,795	118.77	9.90
Wellsburg city	27,298	163.79	13.65
West Hamlin town	19,250	115.50	9.63
West Liberty town	28,393	170.36	14.20
West Logan town	23,500	141.00	11.75
West Milford town	32,250	193.50	16.13
West Union town	18,300	109.80	9.15
Weston city	26,690	160.14	13.35
Westover city	28,659	171.95	14.33
Wheeling city	27,388	164.33	13.69
White Sulphur Springs city	26,694	160.16	13.35
Whitehall town	42,813	256.88	21.41
Whitesville town	19,250	115.50	9.63
Wiley Ford CDP	32,017	192.10	16.01
Williamson city	19,635	117.81	9.82
Williamstown city	36,344	218.06	18.17
Windsor Heights village	28,523	171.14	14.26
Winfield town	51,023	306.14	25.51
Womelsdorf (Coalton) town	28,462	170.77	14.23
Worthington town	28,750	172.50	14.38

Appendix A
Median Household Incomes and Average Customer Bill
Counties

COUNTY	2000 Census Median HH Income - County	Avg Yearly Bill Based on 0.6%	Avg. Monthly Bill Based on 0.6%
Barbour	\$24,885	\$149.31	\$12.44
Berkeley	38,187	229.12	19.09
Boone	26,912	161.47	13.46
Braxton	24,746	148.48	12.37
Brooke	32,414	194.48	16.21
Cabell	29,088	174.53	14.54
Calhoun	22,717	136.30	11.36
Clay	23,025	138.15	11.51
Doddridge	27,400	164.40	13.70
Fayette	24,691	148.15	12.35
Gilmer	23,312	139.87	11.66
Grant	28,940	173.64	14.47
Greenbrier	27,445	164.67	13.72
Hampshire	31,358	188.15	15.68
Hancock	33,296	199.78	16.65
Hardy	31,647	189.88	15.82
Harrison	30,755	184.53	15.38
Jackson	32,213	193.28	16.11
Jefferson	43,024	258.14	21.51
Kanawha	33,626	201.76	16.81
Lewis	26,911	161.47	13.46
Lincoln	23,553	141.32	11.78
Logan	24,396	146.38	12.20
Marion	28,905	173.43	14.45
Marshall	30,803	184.82	15.40
Mason	28,123	168.74	14.06
McDowell	17,981	107.89	8.99
Mercer	26,719	160.31	13.36
Mineral	31,103	186.62	15.55
Mingo	22,949	137.69	11.47
Monongalia	30,374	182.24	15.19
Monroe	27,646	165.88	13.82
Morgan	33,687	202.12	16.84
Nicholas	26,591	159.55	13.30
Ohio	31,559	189.35	15.78
Pendleton	29,632	177.79	14.82

Appendix A
Median Household Incomes and Average Customer Bill
Counties

COUNTY	2000 Census Median HH Income - County	Avg Yearly Bill Based on 0.6%	Avg. Monthly Bill Based on 0.6%
Pleasants	31,942	191.65	15.97
Pocahontas	26,180	157.08	13.09
Preston	27,792	166.75	13.90
Putnam	42,180	253.08	21.09
Raleigh	28,020	168.12	14.01
Randolph	27,108	162.65	13.55
Ritchie	27,509	165.05	13.75
Roane	24,864	149.18	12.43
Summers	21,672	130.03	10.84
Taylor	26,836	161.02	13.42
Tucker	26,536	159.22	13.27
Tyler	29,764	178.58	14.88
Upshur	27,418	164.51	13.71
Wayne	28,459	170.75	14.23
Webster	21,297	127.78	10.65
Wetzel	30,972	185.83	15.49
Wirt	29,415	176.49	14.71
Wood	33,212	199.27	16.61
Wyoming	23,959	143.75	11.98
STATE	\$30,108	\$180.65	\$15.05

**Delete
this Entire Section to Replace Appendix A**

Appendix A
Median Household Incomes and Average Bills for WV Municipalities

Municipality	1990 Med. HH Income	0.6% Med. HH Income	Average Customer Bill
Addison (Webster Springs) town	\$16,417	98.50	8.21
Albright town	\$12,500	75.00	6.25
Alderson town	\$20,093	120.56	10.05
Alum Creek CDP	\$20,271	121.63	10.14
Amherstdale-Robinette CDP	\$16,678	100.07	8.34
Anawalt town	\$14,167	85.00	7.08
Anmoore town	\$18,125	108.75	9.06
Ansted town	\$16,395	98.37	8.20
Athens town	\$21,726	130.36	10.86
Auburn town	\$7,714	46.28	3.86
Bancroft town	\$22,143	132.86	11.07
Barboursville village	\$23,750	142.50	11.88
Barrackville town	\$23,300	139.80	11.65
Bath (Berkeley Springs) town	\$17,283	103.70	8.64
Bayard town	\$25,417	152.50	12.71
Beaver CDP	\$18,750	112.50	9.38
Beckley city	\$19,110	114.66	9.56
Beech Bottom village	\$20,417	122.50	10.21
Belington town	\$15,401	92.41	7.70
Belle town	\$22,472	134.83	11.24
Belmont city	\$21,413	128.48	10.71
Benwood city	\$14,659	87.95	7.33
Bethany town	\$41,481	248.89	20.74
Bethlehem village	\$31,815	190.89	15.91
Beverly town	\$14,609	87.65	7.30
Blacksville town	\$16,806	100.84	8.40
Blennerhassett CDP	\$41,233	247.40	20.62
Bluefield city	\$21,319	127.91	10.66
Boaz CDP	\$37,917	227.50	18.96
Bolivar town	\$25,809	154.85	12.90
Bradley CDP	\$20,987	125.92	10.49
Bradshaw town	\$10,096	60.58	5.05
Bramwell town	\$17,083	102.50	8.54
Brandonville town	\$18,500	111.00	9.25
Bridgeport city	\$34,114	204.68	17.06
Brookhaven CDP	\$23,377	140.26	11.69
Bruceton Mills town	\$19,375	116.25	9.69
Buckhannon city	\$17,258	103.55	8.63
Buffalo town	\$15,962	95.77	7.98
Burnsville town	\$15,326	91.96	7.66
Cairo town	\$15,313	91.88	7.66
Camden-on-Gauley	\$20,625	123.75	10.31
Cameron city	\$15,179	91.07	7.59
Capon Bridge town	\$19,792	118.75	9.90
Cassville CDP	\$21,573	129.44	10.79
Cedar Grove town	\$18,807	112.84	9.40
Ceredo city	\$18,488	110.93	9.24
Chapmanville town	\$15,474	92.84	7.74
Charleston city	\$23,584	141.50	11.79

Appendix A

Median Household Incomes and Average Bills for WV Municipalities

Municipality	1390	0.6%	Average
	Med. HH Income	Med. HH Income	Customer Bill
Charles Town city	\$24,014	144.08	12.01
Chattaroy CDP	\$20,461	122.77	10.23
Cheat Lake CDP	\$35,735	214.41	17.87
Chesapeake town	\$16,758	100.55	8.38
Chester city	\$17,320	103.92	8.66
Clarksburg city	\$17,884	107.30	8.94
Clay town	\$13,417	80.50	6.71
Clearview village	\$30,417	182.50	15.21
Clendenin town	\$19,792	118.75	9.90
Coal City CDP	\$16,273	97.64	8.14
Coal Fork CDP	\$20,532	123.19	10.27
Corporation of Ranson town	\$23,822	142.93	11.91
Cowen town	\$15,000	90.00	7.50
Crab Orchard CDP	\$21,382	128.29	10.69
Craigsville CDP	\$19,850	119.10	9.93
Cross Lanes CDP	\$32,044	192.26	16.02
Culloden CDP	\$22,642	135.85	11.32
Daniels CDP	\$21,087	126.52	10.54
Danville town	\$11,750	70.50	5.88
Davis town	\$16,736	100.42	8.37
Davy town	\$11,550	69.30	5.78
Delbarton town	\$12,454	74.72	6.23
Despard CDP	\$19,667	118.00	9.83
Dunbar city	\$24,872	149.23	12.44
Durbin town	\$16,071	96.43	8.04
East Bank town	\$25,938	155.63	12.97
Eleanor town	\$23,125	138.75	11.56
Elizabeth town	\$15,221	91.33	7.61
Elk Garden town	\$13,846	83.08	6.92
Elkins city	\$17,383	104.30	8.69
Elkview CDP	\$30,662	183.97	15.33
Ellenboro town	\$14,028	84.17	7.01
Enterprise CDP	\$20,057	120.34	10.03
Fairlea CDP	\$19,427	116.56	9.71
Fairmont city	\$18,370	110.22	9.19
Fairview town	\$16,563	99.38	8.28
Falling Spring	\$20,179	121.07	10.09
Farmington town	\$12,019	72.11	6.01
Fayetteville	\$23,652	141.91	11.83
Flatwoods town	\$16,641	99.85	8.32
Flemington town	\$18,750	112.50	9.38
Follansbee city	\$23,976	143.86	11.99
Fort Ashby CDP	\$25,431	152.59	12.72
Fort Gay town	\$14,514	87.08	7.26
Franklin town	\$22,292	133.75	11.15
Friendly town	\$21,250	127.50	10.63
Gary city	\$17,350	104.10	8.68
Gassaway town	\$19,773	118.64	9.89
Gauley Bridge	\$18,565	111.39	9.28

Appendix A

Median Household Incomes and Average Bills for WV Municipalities

Municipality	1990 Med. HH Income	0.6% Med. HH Income	Average Customer Bill
Gilbert town	\$19,732	118.39	9.87
Gilbert Creek	\$17,409	104.45	8.70
Glasgow town	\$22,105	132.63	11.05
Glen Dale city	\$30,393	182.36	15.20
Glenville town	\$12,112	72.67	6.06
Grafton city	\$14,621	87.73	7.31
Grantsville town	\$12,813	76.88	6.41
Grant Town town	\$14,559	87.35	7.28
Granville town	\$16,314	97.88	8.16
Hambleton town	\$14,318	85.91	7.16
Hamlin town	\$16,167	97.00	8.08
Handley town	\$16,875	101.25	8.44
Harman town	\$12,375	74.25	6.19
Harpers Ferry	\$31,625	189.75	15.81
Harrisville town	\$18,778	112.67	9.39
Hartford City	\$16,528	99.17	8.26
Harts CDP	\$14,849	89.09	7.42
Hedgesville town	\$27,083	162.50	13.54
Henderson town	\$13,152	78.91	6.58
Hendricks town	\$18,750	112.50	9.38
Hillsboro town	\$15,962	95.77	7.98
Hinton city	\$13,500	81.00	6.75
Holden CDP	\$25,179	151.07	12.59
Hooverson Height s CDP	\$29,511	177.07	14.76
Hundred town	\$15,313	91.88	7.66
Huntington city	\$18,276	109.66	9.14
Hurricane city	\$23,990	143.94	12.00
Huttonsville town	\$17,614	105.68	8.81
Jaeger town	\$12,727	76.36	6.36
Inwood CDP	\$34,444	206.66	17.22
Jane Lew town	\$17,763	106.58	8.88
Junior town	\$14,412	86.47	7.21
Kenova city	\$18,160	108.96	9.08
Kermit town	\$18,250	109.50	9.13
Keyser city	\$19,562	117.37	9.78
Keystone city	\$10,598	63.59	5.30
Kimball town	\$15,074	90.44	7.54
Kingwood city	\$19,955	119.73	9.98
Leon town	\$14,583	87.50	7.29
Lester town	\$20,208	121.25	10.10
Lewisburg city	\$26,750	160.50	13.38
Littleton town	\$12,321	73.93	6.16
Logan city	\$16,746	100.48	8.37
Lost Creek town	\$18,036	108.22	9.02
Lubeck CDP	\$36,845	221.07	18.42
Lumberport town	\$20,882	125.29	10.44
Mabscott town	\$22,788	136.73	11.39
MacArthur CDP	\$17,083	102.50	8.54
McMechen city	\$20,644	123.86	10.32

Appendix A
Median Household Incomes and Average Bills for WV Municipalities

Municipality	1990 Med. HH Income	0.6% Med. HH Income	Average Custome. Bill
Madison city	\$22,565	135.39	11.28
Mallory CDP	\$20,185	121.11	10.09
Man town	\$26,875	161.25	13.44
Mannington city	\$14,145	84.87	7.07
Marlinton town	\$14,315	85.89	7.16
Marmet city	\$21,424	128.54	10.71
Martinsburg city	\$22,193	133.16	11.10
Mason town	\$19,934	119.60	9.97
Masontown town	\$18,462	110.77	9.23
Matewan town	\$10,875	65.25	5.44
Matoaka town	\$14,167	85.00	7.08
Meadow Bridge	\$14,063	84.38	7.03
Middlebourne town	\$23,819	142.91	11.91
Mill Creek town	\$17,865	107.19	8.93
Milton town	\$18,235	109.41	9.12
Mineralwells CDP	\$30,702	184.21	15.35
Mitchell Heights	\$45,469	272.81	22.73
Monongah town	\$17,083	102.50	8.54
Montcalm CDP	\$12,773	76.64	6.39
Montgomery city	\$12,904	77.42	6.45
Montrose town	\$17,500	105.00	8.75
Moorefield town	\$17,712	106.27	8.86
Morgantown city	\$18,022	108.13	9.01
Moundsville city	\$20,036	120.22	10.02
Mount Gay-Shamrock CDP	\$14,170	85.02	7.09
Mount Hope city	\$14,635	87.81	7.32
Mullens city	\$19,013	114.08	9.51
Newburg town	\$17,625	105.75	8.81
New Cumberland	\$19,120	114.72	9.56
Newell CDP	\$18,676	112.06	9.34
New Haven town	\$24,706	148.24	12.35
New Martinsville	\$22,542	135.25	11.27
Nitro city	\$22,188	133.13	11.09
Northfork town	\$12,500	75.00	6.25
North Hills town	\$64,121	384.73	32.06
Nutter Fort town	\$18,692	112.15	9.35
Oak Hill city	\$18,606	111.64	9.30
Oakvale town	\$13,438	80.63	6.72
Oceana town	\$16,484	98.90	8.24
Osage town	\$14,750	88.50	7.38
Paden City city	\$25,313	151.88	12.66
Parkersburg city	\$20,461	122.77	10.23
Parsons city	\$16,693	100.16	8.35
Paw Paw town	\$17,279	103.67	8.64
Pax town	\$21,250	127.50	10.63
Pennsboro city	\$16,250	97.50	8.13
Petersburg city	\$18,873	113.24	9.44
Peterstown town	\$16,607	99.64	8.30
Philippi city	\$16,594	99.56	8.30

Appendix A
Median Household Incomes and Average Bills for WV Municipalities

Municipality	1990 Med. HH Income	0.6% Med. HH Income	Average Customer Bill
Pea Ridge CDP	\$35,303	211.82	17.65
Piedmont town	\$15,208	91.25	7.60
Pinch CDP	\$37,974	227.84	18.99
Pine Grove town	\$20,865	125.19	10.43
Pineville town	\$25,313	151.88	12.66
Piney View CDP	\$14,330	85.98	7.17
Poca town	\$32,589	195.53	16.29
Point Pleasant city	\$17,113	102.68	8.56
Powellton CDP	\$16,115	96.69	8.06
Pratt town	\$30,104	180.62	15.05
Princeton city	\$14,945	89.67	7.47
Prosperity CDP	\$21,111	126.67	10.56
Pullman town	\$11,563	69.38	5.78
Quinwood town	\$16,346	98.08	8.17
Rainelle town	\$15,959	95.75	7.98
Ravenswood city	\$20,667	124.00	10.33
Red Jacket CDP	\$14,808	88.85	7.40
Reedsville town	\$20,357	122.14	10.18
Reedy town	\$16,083	96.50	8.04
Rhodell town	\$12,500	75.00	6.25
Richwood city	\$14,155	84.93	7.08
Ridgeley town	\$18,359	110.15	9.18
Ripley city	\$21,823	130.94	10.91
Rivesville town	\$20,543	123.26	10.27
Romney city	\$17,091	102.55	8.55
Ronceverte city	\$17,964	107.78	8.98
Rowlesburg town	\$16,544	99.26	8.27
Rupert town	\$18,452	110.71	9.23
St. Albans city	\$26,040	156.24	13.02
St. Marys city	\$21,549	129.29	10.77
Salem city	\$13,214	79.28	6.61
Sand Fork town	\$16,563	99.38	8.28
Shady Spring CDP	\$19,362	116.17	9.68
Shepherdstown	\$32,188	193.13	16.09
Shinnston city	\$22,460	134.76	11.23
Sissonville CDP	\$28,096	168.58	14.05
Sistersville city	\$20,670	124.02	10.34
Smithers city	\$15,444	92.66	7.72
Smithfield town	\$7,593	45.56	3.80
Sophia town	\$15,459	92.75	7.73
South Charleston	\$27,366	164.20	13.68
Spencer city	\$14,452	86.71	7.23
Stanaford CDP	\$17,283	103.70	8.64
Star City town	\$18,269	109.61	9.13
Stonewood city	\$20,064	120.38	10.03
Summersville	\$21,719	130.31	10.86
Sutton town	\$18,606	111.64	9.30
Switzer CDP	\$21,359	128.15	10.68
Sylvester town	\$24,375	146.25	12.19

Appendix A

Median Household Incomes and Average Bills for WV Municipalities

Municipality	1990	0.6%	Average
	Med. HH Income	Med. HH Income	Customer Bill
Teays Valley CDP	\$36,543	219.26	18.27
Terra Alta town	\$17,468	104.81	8.73
Thomas city	\$19,625	117.75	9.81
Thurmond town	\$12,750	76.50	6.38
Tornado CDP	\$32,188	193.13	16.09
Triadelphia town	\$20,000	120.00	10.00
Tunnelton town	\$13,833	83.00	6.92
Union town	\$13,681	82.09	6.84
Valley Grove village	\$21,316	127.90	10.66
Vienna city	\$31,613	189.68	15.81
War city	\$10,382	62.29	5.19
Wardensville	\$12,159	72.95	6.08
Washington CDP	\$37,019	222.11	18.51
Wayne town	\$13,844	83.06	6.92
Weirton city	\$28,261	169.57	14.13
Welch city	\$18,684	112.10	9.34
Wellsburg city	\$24,167	145.00	12.08
West Hamlin town	\$15,294	91.76	7.65
West Liberty	\$26,042	156.25	13.02
West Logan town	\$20,114	120.68	10.06
West Milford	\$21,477	128.86	10.74
Weston city	\$14,333	86.00	7.17
Westover city	\$22,563	135.38	11.28
West Union town	\$12,672	76.03	6.34
Wheeling city	\$21,053	126.32	10.53
White Sulphur Springs	\$17,539	105.23	8.77
Whitesville town	\$16,167	97.00	8.08
Williamson city	\$18,306	109.84	9.15
Williamstown	\$23,636	141.82	11.82
Winfield town	\$33,077	198.46	16.54
Womelsdorf (Coalton) town	\$19,500	117.00	9.75
Worthington town	\$15,750	94.50	7.88

NEW **Appendix A**
Median Household incomes and Average Customer Bill

COUNTY	DISTRICT	Med. HH Income (90)	Avg Yearly Bill Based on .6%	Avg Monthly Bill Based on .6%
Barbour WV		\$15,607	\$93.64	\$7.80
	North	\$15,434	\$92.60	\$7.72
	South	\$13,401	\$80.41	\$6.70
	West	\$19,712	\$118.27	\$9.86
Berkeley WV		\$27,412	\$164.47	\$13.71
	Arden	\$28,221	\$169.33	\$14.11
	Falling Waters	\$29,795	\$178.77	\$14.90
	Gerrardstown	\$30,750	\$184.50	\$15.38
	Hedgesville	\$30,854	\$185.12	\$15.43
	Martinsburg	\$18,867	\$113.20	\$9.43
	Mill Creek	\$30,927	\$185.56	\$15.46
	Opequon	\$28,656	\$171.94	\$14.33
Boone WV		\$17,073	\$102.44	\$8.54
	District 1	\$15,234	\$91.40	\$7.62
	District 2	\$17,203	\$103.22	\$8.60
	District 3	\$19,152	\$114.91	\$9.58
Braxton WV		\$16,359	\$98.15	\$8.18
	Eastern	\$19,726	\$118.36	\$9.86
	Northern	\$14,124	\$84.74	\$7.06
	Southern	\$15,422	\$92.53	\$7.71
	Western	\$17,401	\$104.41	\$8.70
Brooke WV		\$26,500	\$159.00	\$13.25
	Buffalo	\$27,048	\$162.29	\$13.52
	Cross Creek	\$27,265	\$163.59	\$13.63
	Follansbee	\$25,982	\$155.89	\$12.99
	Weirton	\$26,185	\$157.11	\$13.09
	Wellsburg	\$23,854	\$143.12	\$11.93
Cabell WV		\$21,255	\$127.53	\$10.63
	District 1	\$23,275	\$139.65	\$11.64
	District 2	\$14,214	\$85.28	\$7.11
	District 3	\$17,392	\$104.35	\$8.70
	District 4	\$29,339	\$176.03	\$14.67
	District 5	\$23,011	\$138.07	\$11.51
Calhoun WV		\$14,496	\$86.98	\$7.25
	District 1	\$14,493	\$86.96	\$7.25
	District 2	\$14,444	\$86.66	\$7.22
	District 3	\$14,557	\$87.34	\$7.28
	District 4	\$13,906	\$83.44	\$6.95
	District 5	\$15,099	\$90.59	\$7.55
Clay WV		\$12,855	\$77.13	\$6.43
	Buffalo	\$13,250	\$79.50	\$6.63
	Henry	\$14,418	\$86.51	\$7.21

Appendix A
Median Household incomes and Average Customer Bill

COUNTY	DISTRICT	Med. HH Income (90)	Avg Yearly Bill Based on .6%	Avg Monthly Bill Based on .6%
	Otter	\$9,529	\$57.17	\$4.76
	Pleasant	\$13,229	\$79.37	\$6.61
	Union	\$14,911	\$89.47	\$7.46
Doddridge WV		\$17,159	\$102.95	\$8.58
	Beech	\$18,750	\$112.50	\$9.38
	Maple	\$17,647	\$105.88	\$8.82
	Oak	\$17,813	\$106.88	\$8.91
	Pine	\$12,444	\$74.66	\$6.22
Fayette WV		\$16,774	\$100.64	\$8.39
	New Haven	\$17,390	\$104.34	\$8.70
	Plateau	\$15,885	\$95.31	\$7.94
	Valley	\$17,410	\$104.46	\$8.71
Gilmer WV		\$14,539	\$87.23	\$7.27
	Center	\$14,583	\$87.50	\$7.29
	City	\$12,112	\$72.67	\$6.06
	De Kalb-Troy	\$15,102	\$90.61	\$7.55
	Glenville	\$15,433	\$92.60	\$7.72
Grant WV		\$20,923	\$125.54	\$10.46
	Grant	\$20,053	\$120.32	\$10.03
	Milroy	\$20,972	\$125.83	\$10.49
	Union	\$21,361	\$128.17	\$10.68
Greenbrier WV		\$19,411	\$116.47	\$9.71
	Anthony Creek	\$20,050	\$120.30	\$10.03
	Blue Sulphur	\$19,290	\$115.74	\$9.65
	Falling Spring	\$15,561	\$93.37	\$7.78
	Fort Spring	\$19,007	\$114.04	\$9.50
	Frankford	\$22,500	\$135.00	\$11.25
	Irish Corner	\$19,174	\$115.04	\$9.59
	Lewisburg	\$25,683	\$154.10	\$12.84
	Meadow Bluff	\$16,811	\$100.87	\$8.41
	White Sulphur	\$19,772	\$118.63	\$9.89
	Williamsburg	\$16,389	\$98.33	\$8.19
Hampshire WV		\$20,753	\$124.52	\$10.38
	Bloomery	\$23,605	\$141.63	\$11.80
	Capon	\$24,904	\$149.42	\$12.45
	Gore	\$21,462	\$128.77	\$10.73
	Mill Creek	\$17,679	\$106.07	\$8.84
	Romney	\$17,616	\$105.70	\$8.81
	Sherman	\$21,811	\$130.87	\$10.91
	Springfield	\$18,946	\$113.68	\$9.47
Hancock WV		\$26,031	\$156.19	\$13.02
	Butler	\$30,236	\$181.42	\$15.12

Appendix A
Median Household incomes and Average Customer Bill

COUNTY	DISTRICT	Med. HH Income (90)	Avg Yearly Bill Based on .6%	Avg Monthly Bill Based on .6%
	Clay	\$26,797	\$160.78	\$13.40
	Grant	\$21,155	\$126.93	\$10.58
Hardy WV		\$20,745	\$124.47	\$10.37
	Capon	\$22,275	\$133.65	\$11.14
	Lost River	\$19,408	\$116.45	\$9.70
	Moorefield	\$19,694	\$118.16	\$9.85
	Old Fields	\$19,627	\$117.76	\$9.81
	South Fork	\$21,622	\$129.73	\$10.81
Harrison WV		\$20,367	\$122.20	\$10.18
	Northern	\$19,016	\$114.10	\$9.51
	North Urban	\$16,035	\$96.21	\$8.02
	Southeast	\$29,759	\$178.55	\$14.88
	South Urban	\$20,199	\$121.19	\$10.10
	Southwest	\$20,344	\$122.06	\$10.17
	Suburban	\$18,835	\$113.01	\$9.42
Jackson WV		\$21,665	\$129.99	\$10.83
	Grant	\$24,485	\$146.91	\$12.24
	Ravenswood	\$20,710	\$124.26	\$10.36
	Ripley	\$22,322	\$133.93	\$11.16
	Union	\$28,269	\$169.61	\$14.13
	Washington	\$16,315	\$97.89	\$8.16
Jefferson WV		\$30,914	\$185.48	\$15.46
	Charles Town	\$24,065	\$144.39	\$12.03
	Harpers Ferry	\$30,195	\$181.17	\$15.10
	Kabletown	\$34,735	\$208.41	\$17.37
	Middleway	\$31,038	\$186.23	\$15.52
	Shepherdstown	\$35,000	\$210.00	\$17.50
Kanawha WV		\$23,999	\$143.99	\$12.00
	District 1	\$19,659	\$117.95	\$9.83
	District 2	\$33,351	\$200.11	\$16.68
	District 3	\$25,321	\$151.93	\$12.66
	District 4	\$26,526	\$159.16	\$13.26
	District 5	\$17,268	\$103.61	\$8.63
	District 6	\$24,911	\$149.47	\$12.46
Lewis WV		\$17,972	\$107.83	\$8.99
	Collins Settlement	\$12,299	\$73.79	\$6.15
	Court House	\$14,755	\$88.53	\$7.38
	Freemans Creek	\$19,631	\$117.79	\$9.82
	Hackers Creek	\$17,281	\$103.69	\$8.64
	Skin Creek	\$22,604	\$135.62	\$11.30
Lincoln WV		\$14,659	\$87.95	\$7.33
	Carroll	\$13,578	\$81.47	\$6.79

Appendix A
Median Household incomes and Average Customer Bill

COUNTY	DISTRICT	Med. HH Income (90)	Avg Yearly Bill Based on .6%	Avg Monthly Bill Based on .6%
	Duval	\$16,097	\$96.58	\$8.05
	Harts Creek	\$14,267	\$85.60	\$7.13
	Jefferson	\$8,011	\$48.07	\$4.01
	Laurel Hill	\$10,254	\$61.52	\$5.13
	Sheridan	\$14,855	\$89.13	\$7.43
	Union	\$17,361	\$104.17	\$8.68
	Washington	\$20,263	\$121.58	\$10.13
	Logan WV	\$17,942	\$107.65	\$8.97
	Buffalo	\$16,503	\$99.02	\$8.25
	Chapmanville	\$16,771	\$100.63	\$8.39
	East	\$18,524	\$111.14	\$9.26
	Guyan	\$20,770	\$124.62	\$10.39
	Island Creek	\$17,246	\$103.48	\$8.62
	Logan	\$19,694	\$118.16	\$9.85
	Northwest	\$14,617	\$87.70	\$7.31
	Triadelphia	\$20,353	\$122.12	\$10.18
	West	\$17,516	\$105.10	\$8.76
	McDowell WV	\$13,141	\$78.85	\$6.57
	Big Creek	\$11,459	\$68.75	\$5.73
	Browns Creek	\$13,579	\$81.47	\$6.79
	North Elkin	\$14,933	\$89.60	\$7.47
	Sandy River	\$12,450	\$74.70	\$6.23
	Marion WV	\$20,386	\$122.32	\$10.19
	Middletown	\$17,595	\$105.57	\$8.80
	Palatine	\$23,384	\$140.30	\$11.69
	West Augusta	\$18,739	\$112.43	\$9.37
	Marshall WV	\$22,687	\$136.12	\$11.34
	District 1	\$23,865	\$143.19	\$11.93
	District 2	\$20,036	\$120.22	\$10.02
	District 3	\$24,456	\$146.74	\$12.23
	Mason WV	\$20,135	\$120.81	\$10.07
	Arbuckle	\$16,136	\$96.82	\$8.07
	Clendenin	\$17,835	\$107.01	\$8.92
	Cologne	\$15,600	\$93.60	\$7.80
	Copper	\$23,770	\$142.62	\$11.89
	Graham	\$22,679	\$136.07	\$11.34
	Hannan	\$15,064	\$90.38	\$7.53
	Lewis	\$19,722	\$118.33	\$9.86
	Robinson	\$24,361	\$146.17	\$12.18
	Union	\$17,969	\$107.81	\$8.98
	Waggener	\$19,508	\$117.05	\$9.75
	Mercer WV	\$19,365	\$116.19	\$9.68
	District 1	\$20,417	\$122.50	\$10.21

Appendix A
Median Household incomes and Average Customer Bill

COUNTY	DISTRICT	Med. HH Income (90)	Avg Yearly Bill Based on .6%	Avg Monthly Bill Based on .6%
	District 2	\$19,628	\$117.77	\$9.81
	District 3	\$18,047	\$108.28	\$9.02
				\$0.00
Mineral WV		\$22,036	\$132.22	\$11.02
	District 1	\$20,809	\$124.85	\$10.40
	District 2	\$21,326	\$127.96	\$10.66
	District 3	\$24,523	\$147.14	\$12.26
Mingo WV		\$16,066	\$96.40	\$8.03
	Hardee	\$14,583	\$87.50	\$7.29
	Harvey	\$14,163	\$84.98	\$7.08
	Kermit	\$13,152	\$78.91	\$6.58
	Lee	\$17,139	\$102.83	\$8.57
	Magnolia	\$14,167	\$85.00	\$7.08
	Stafford	\$18,449	\$110.69	\$9.22
	Tug River	\$14,971	\$89.83	\$7.49
	Williamson	\$18,306	\$109.84	\$9.15
Monongalia WV		\$22,183	\$133.10	\$11.09
	Central	\$18,074	\$108.44	\$9.04
	Eastern	\$25,104	\$150.62	\$12.55
	Western	\$22,548	\$135.29	\$11.27
Monroe WV		\$18,217	\$109.30	\$9.11
	Red Sulphur	\$20,531	\$123.19	\$10.27
	Second Creek	\$16,875	\$101.25	\$8.44
	Springfield	\$17,113	\$102.68	\$8.56
	Sweet Springs	\$16,487	\$98.92	\$8.24
	Union	\$16,290	\$97.74	\$8.15
	Wolf Creek	\$16,473	\$98.84	\$8.24
Morgan WV		\$24,372	\$146.23	\$12.19
	District 1	\$21,780	\$130.68	\$10.89
	District 2	\$24,157	\$144.94	\$12.08
	District 3	\$28,477	\$170.86	\$14.24
Nicholas WV		\$18,116	\$108.70	\$9.06
	Beaver	\$16,841	\$101.05	\$8.42
	Grant	\$16,500	\$99.00	\$8.25
	Hamilton	\$16,969	\$101.81	\$8.48
	Jefferson	\$14,825	\$88.95	\$7.41
	Kentucky	\$19,770	\$118.62	\$9.89
	Summersville	\$21,237	\$127.42	\$10.62
	Wilderness	\$18,556	\$111.34	\$9.28
Ohio WV		\$22,489	\$134.93	\$11.24
	District 1	\$25,981	\$155.89	\$12.99
	District 2	\$17,170	\$103.02	\$8.59
	District 3	\$24,538	\$147.23	\$12.27

Appendix A
Median Household incomes and Average Customer Bill

COUNTY	DISTRICT	Med. HH Income (90)	Avg Yearly Bill Based on .6%	Avg Monthly Bill Based on .6%
Pendleton WV				\$0.00
		\$19,565	\$117.39	\$9.78
	Bethel	\$17,806	\$106.84	\$8.90
	Circleville	\$14,899	\$89.39	\$7.45
	Franklin	\$22,120	\$132.72	\$11.06
	Mill Run	\$26,354	\$158.12	\$13.18
	Sugar Grove	\$20,284	\$121.70	\$10.14
Pleasants WV	Union	\$17,939	\$107.63	\$8.97
		\$20,910	\$125.46	\$10.46
	District 1	\$21,643	\$129.86	\$10.82
	District 2	\$22,019	\$132.11	\$11.01
	District 3	\$19,089	\$114.53	\$9.54
Pocahontas WV	District 4	\$21,429	\$128.57	\$10.71
		\$17,237	\$103.42	\$8.62
	Edray	\$16,138	\$96.83	\$8.07
	Greenbank	\$16,959	\$101.75	\$8.48
	Huntersville	\$16,800	\$100.80	\$8.40
	Little Levels	\$19,127	\$114.76	\$9.56
Preston WV		\$19,940	\$119.64	\$9.97
	Grant	\$22,332	\$133.99	\$11.17
	Kingwood	\$19,776	\$118.66	\$9.89
	Lyon	\$19,565	\$117.39	\$9.78
	Pleasant	\$19,069	\$114.41	\$9.53
	Portland	\$20,977	\$125.86	\$10.49
	Reno	\$17,347	\$104.08	\$8.67
	Union	\$18,221	\$109.33	\$9.11
	Valley	\$20,981	\$125.89	\$10.49
Putnam WV		\$27,405	\$164.43	\$13.70
	Buffalo-Union	\$21,164	\$126.98	\$10.58
	Curry	\$25,947	\$155.68	\$12.97
	Pocatalico	\$22,964	\$137.78	\$11.48
	Scott	\$31,194	\$187.16	\$15.60
	Teays	\$33,354	\$200.12	\$16.68
Raleigh WV		\$19,566	\$117.40	\$9.78
	District 1	\$20,103	\$120.62	\$10.05
	District 2	\$19,171	\$115.03	\$9.59
	District 3	\$19,422	\$116.53	\$9.71
Randolph WV		\$18,278	\$109.67	\$9.14
	Beverly	\$19,233	\$115.40	\$9.62
	Dry Fork	\$18,409	\$110.45	\$9.20
	Huttonsville	\$17,057	\$102.34	\$8.53
	Leadsville	\$18,294	\$109.76	\$9.15
	Middle Fork	\$15,921	\$95.53	\$7.96

Appendix A
Median Household incomes and Average Customer Bill

COUNTY	DISTRICT	Med. HH Income (90)	Avg Yearly Bill Based on .6%	Avg Monthly Bill Based on .6%
	Mingo	\$12,399	\$74.39	\$6.20
	New Interest	\$20,149	\$120.89	\$10.07
	Roaring Creek	\$17,569	\$105.41	\$8.78
	Valley Bend	\$20,250	\$121.50	\$10.13
Ritchie WV		\$17,333	\$104.00	\$8.67
	Clay	\$18,357	\$110.14	\$9.18
	Grant	\$17,440	\$104.64	\$8.72
	Murphy	\$13,864	\$83.18	\$6.93
	Union	\$18,172	\$109.03	\$9.09
Roane WV		\$15,375	\$92.25	\$7.69
	Eastern	\$15,278	\$91.67	\$7.64
	Northern	\$14,355	\$86.13	\$7.18
	Western	\$16,498	\$98.99	\$8.25
Summers WV		\$16,457	\$98.74	\$8.23
	Bluestone River	\$18,091	\$108.55	\$9.05
	Greenbrier River	\$17,895	\$107.37	\$8.95
	New River	\$12,541	\$75.25	\$6.27
Taylor WV		\$17,963	\$107.78	\$8.98
	Eastern	\$18,684	\$112.10	\$9.34
	Tygart	\$14,963	\$89.78	\$7.48
	Western	\$19,926	\$119.56	\$9.96
Tucker WV		\$17,949	\$107.69	\$8.97
	Black Fork	\$16,721	\$100.33	\$8.36
	Clover	\$15,789	\$94.73	\$7.89
	Davis	\$16,811	\$100.87	\$8.41
	Dry Fork	\$24,643	\$147.86	\$12.32
	Fairfax	\$20,474	\$122.84	\$10.24
	Licking	\$23,021	\$138.13	\$11.51
	St. George	\$17,344	\$104.06	\$8.67
Tyler WV		\$20,360	\$122.16	\$10.18
	Central	\$23,940	\$143.64	\$11.97
	North	\$29,018	\$174.11	\$14.51
	South	\$14,753	\$88.52	\$7.38
	West	\$20,984	\$125.90	\$10.49
Upshur WV		\$18,739	\$112.43	\$9.37
	Banks	\$15,673	\$94.04	\$7.84
	Buckhannon	\$20,729	\$124.37	\$10.36
	Meade	\$16,089	\$96.53	\$8.04
	Union	\$16,173	\$97.04	\$8.09
	Warren	\$21,333	\$128.00	\$10.67
	Washington	\$21,096	\$126.58	\$10.55

Appendix A
Median Household incomes and Average Customer Bill

COUNTY	DISTRICT	Med. HH Income (90)	Avg Yearly Bill Based on .6%	Avg Monthly Bill Based on .6%
Wayne WV		\$19,688	\$118.13	\$9.84
	Butler	\$20,823	\$124.94	\$10.41
	Ceredo	\$19,358	\$116.15	\$9.68
	Stonewall	\$12,083	\$72.50	\$6.04
	Union	\$20,040	\$120.24	\$10.02
	Westmoreland	\$24,793	\$148.76	\$12.40
Webster WV		\$13,371	\$80.23	\$6.69
	Fork Lick	\$13,678	\$82.07	\$6.84
	Glade	\$13,454	\$80.72	\$6.73
	Hacker Valley	\$12,778	\$76.67	\$6.39
	Holly	\$13,291	\$79.75	\$6.65
Wetzel WV		\$21,545	\$129.27	\$10.77
	District 1	\$19,323	\$115.94	\$9.66
	District 2	\$22,331	\$133.99	\$11.17
	District 3	\$22,542	\$135.25	\$11.27
Wirt WV		\$16,951	\$101.71	\$8.48
	Central	\$16,798	\$100.79	\$8.40
	Northeast	\$20,417	\$122.50	\$10.21
	Southwest	\$14,599	\$87.59	\$7.30
Wood WV		\$25,161	\$150.97	\$12.58
	Clay	\$27,168	\$163.01	\$13.58
	Harris	\$28,068	\$168.41	\$14.03
	Lubeck	\$30,583	\$183.50	\$15.29
	Parkersburg	\$22,097	\$132.58	\$11.05
	Slate	\$30,426	\$182.56	\$15.21
	Steele	\$20,208	\$121.25	\$10.10
	Tygart	\$21,665	\$129.99	\$10.83
	Union	\$30,602	\$183.61	\$15.30
	Walker	\$22,598	\$135.59	\$11.30
	Williams	\$31,449	\$188.69	\$15.72
Wyoming WV		\$17,248	\$103.49	\$8.62
	Baileysville	\$17,933	\$107.60	\$8.97
	Barkers Ridge	\$14,167	\$85.00	\$7.08
	Center	\$19,048	\$114.29	\$9.52
	Clear Fork	\$14,667	\$88.00	\$7.33
	Huff Creek	\$15,810	\$94.86	\$7.91
	Oceana	\$19,392	\$116.35	\$9.70
	Slab Fork	\$17,579	\$105.47	\$8.79
STATE		\$20,795	\$124.77	\$10.40

**Public Hearing
and
other
Public Involvement**

PUBLIC HEARING

April 3, 2003	The Infrastructure and Jobs Development Council filed a Notice of a Public Hearing on a Proposed Rule.
April 11, 2003	West Virginia Register Volume XX, Issue 15 publishes public hearing Date for proposed Rule
May 7, 2003	Public Hearing

OTHER PUBLIC OUTREACH

I. Public Meeting Dates with Discussion of Proposed Legislative Rule

March 25, 2003	Infrastructure Council Staff Meeting
March 28, 2003	Infrastructure Council Funding Committee Meeting
April 2, 2003	Infrastructure Council Monthly Meeting
April 29, 2003	Infrastructure Council Staff Meeting
May 2, 2003	Infrastructure Council Funding Committee Meeting
May 27, 2003	Infrastructure Council Staff Meeting
May 30, 2003	Infrastructure Council Funding Committee Meeting
June 4, 2003	Infrastructure Council Monthly Meeting

II. Organizations / Associations Contacted

1. WV Rural Water Association
Article of change in proposed rule change published in Rural Water Association's (RWA) April 9, 2003 Infrastructure Newsletter and distributed to all RWA members. (Attached)
2. WV Municipal League
3. Contractor's Association of West Virginia
4. American Council of Engineering Companies of West Virginia
Infrastructure Council made presentation concerning proposed changes to legislative rule at their June 11, 2003 Infrastructure Forum
5. West Virginia American Water Company
Positive comments received from President Chris Jarrett (comments attached)

III. State and Federal Regulatory and Funding Agencies Contacted

1. WV Public Service Commission
2. WV Department of Environmental Protection
3. WV Bureau for Public Health
4. WV Housing Development Fund
5. WV Development Office
6. WV Economic Development Authority
7. USDA Rural Utilities Service

WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL

AGENDA

May 7, 2003 - 9:30 a.m.

**Erikson Alumni Center
WV State College
Institute, West Virginia**

Public Hearing on Amendment of Infrastructure Legislative Rule
Title 167 CSR 1

- Summary of Proposed Changes
- Receipt of public comment

Adjournment

WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL

Minutes

A public hearing of the West Virginia Infrastructure and Jobs Development Council (the "Council") was held Wednesday, May 7, 2003, beginning at 9:30 a.m., in the Grand Hall of the Erickson Alumni Center, West Virginia State College, Institute, West Virginia.

Purpose The purpose of the public hearing was to accept public comment on the proposed rule changes to the Infrastructure Council's Legislative Rule (Title 167 CSR 1)

Quorum A quorum was constituted of the following members present:

Russell L. Isaacs, Chairman
Dwight Calhoun, Public Member
Misty Corns, Public Service Commission
Mike Johnson, Department of Environmental Protection
Walt Ivey, Bureau for Public Health
David Fontalbert, WV Economic Development Authority
Bernie Yonkosky, Water Development Authority
Randy Moore, Housing Development Authority
Bobby Lewis, WV Development Office

Nonvoting advisory members present:

Steve Harris, Corp of Engineers

Public Attendees:

Paula Koontz, WV Infrastructure Council
Mike Warwick, department of Environmental Protection
Doug Schmidt, Dunn Engineers
Pat Patterson, South Charleston Sanitary Board
Margaret LeRose, Water Development Authority
Mike McNulty, WV Rural Water Association
Eric Coberly, E.L. Robinson Engineering
Randall Lewis, E.L. Robinson Engineering
Debbie Legg, WV Development Office
Samme Gee, Jackson Kelly
James Aucremanne, WV Public Service Commission
Dan Bickerton, West Virginia American Water Company
Patrick Taylor, WV Bureau for Public Health
Doug Olds, WV Water Development Authority
Fred Rader, Mid-Ohio Valley Regional Council
Tim Meeks, Mid-Ohio Valley Regional Council
John Romano, Region III Planning and Development Council
Jim Boggs, Region II Planning and Development Council

Rick Roberts, Logan County Public Service District
Paul Ghosh, Ghosh Engineers

Chairman Russell Isaacs called the meeting to order. He then asked Ms. Mallory to give an overview of the proposed legislative rule changes.

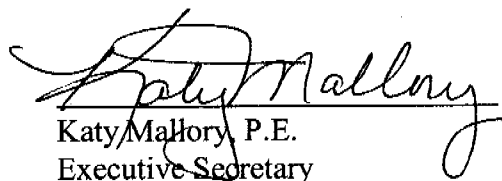
Ms. Mallory explained that the Infrastructure Council has proposed two changes to its legislative rule. These changes include reducing the average water usage from 4500 gallons per month to 4000 gallons per month and the second change is to replace Appendix A which incorporates 1990 census data with 2000 census data with respect to median household incomes.

Ms. Mallory indicated that this public hearing was properly noticed with the Secretary of State's office and discussed at several previous Infrastructure Council meetings. The goal is to place the legislative rules on the Infrastructure Council's June 4, 2003 meeting agenda for approval to proceed with formal rule making procedures.

The floor was then opened to accept oral or written comments.

Adjournment

Hearing no comments, Chairman Isaacs adjourned the meeting.


Katy Mallory, P.E.
Executive Secretary

West Virginia Rural Water Association

Received

PR 11 2003

WV Infrastructure &
Jobs Development Council

Vol. 7
Issue 4

April 9,
2003

INFRASTRUCTURE COUNCIL REPORT NEWSLETTER

A PUBLICATION OF WVRWA, 168 MIDLAND TRAIL, SUITE #2, HURRICANE, WV 25526

Study Shows Residential Sales Decreasing; Legislative Rule Change Being Planned

A recent study completed for the West Virginia Infrastructure and Jobs Development Council (IJDC) by certified public accountant Michael Griffith of the firm Griffith and Associates reveals that West Virginia's public water systems have been experiencing decreases in residential sales over the past five years. Mr. Griffith presented the findings of his report during the April 2, 2003 IJDC session held in the Erickson Alumni Center on the campus of West Virginia State College. A total of 28 utilities from across the state, including West Virginia American Water Company, were

included in the study. Results show that most water utilities are now experiencing average residential sales of less than the 4,500 gallons per month per customer. That figure has been the traditional benchmark used by the IJDC and the Public Service Commission when conducting rate analyses. Mr. Griffith attributes the decreased residential consumption to more concerted efforts by consumers to reduce their consumption and also to newer and more efficient plumbing fixtures. He also cited the state's aging population as a possible factor since less children are likely to be a part of the average household. Mr. Griffith recommended that 4,000 gallons now be used as the average household usage instead of the current standard of 4,500 gallons. This change he feels would help alleviate future financial problems for utilities.

Acting in part upon these findings, IJDC members have scheduled a public hearing for May 1, 2003 to discuss changes for Legislative Rule 167-1-5. In addition to changing the average usage language contained in Legislative Rule 167-1-5 (4,500 to 4,000 gal-

lons), references to the 1990 census data would be replaced with 2000 data. Also, Appendix A of the rule, containing tabulated 1990 census and rate information for municipalities and counties, would be replaced with 2000 data.

The 42-day period for public comment on this proposed rule change began on April 3rd and will conclude May 15th. The IJDC is expected to approve the revised rule during the June 4th meeting and issue a Council resolution. The revised rule and resolution will then be filed with the Secretary of State's Office for emergency rule consideration. Approval by the Legislative Rule Making Committee would likely take place in mid-July.

Projects Recommended To Pursue Funding Sources Other Than The Infrastructure Fund

The Berkeley County Public Service District was recommended to utilize a committed \$2,430,000 loan from the West Virginia Water Development Authority (WDA) for project 2001W-639. The project is a part

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IJDC Funding Committee Meeting

Friday
April 25, 2003
9:30 a.m.

WDA Office
180 Association Drive
Charleston, WV

of Berkeley County PSD's facilities management plan and will allow for an interconnection and new booster station at Route 45; main replacements on Gregory Drive and Botany Drive; and for a hydrogeologic study. The existing customer rates will remain unchanged. The 1.5 percent median household income per 4,500 gallons (MHI) was determined to be \$29.70.

The Town of Franklin is planning a number of improvements to its water treatment plant and distribution system with project 98W-379. This project includes the installation of two new storage tanks and pump stations. IJDC members recommended that the Town of Grant seek a \$1,050,000 grant from the Small Cities Block Grant (SCBG) program; a \$1,761,300 loan from the Drinking Water Treatment Revolving Fund (DWTRF); and a grant from the Army Corps of Engineers (COE) or possibly an additional DWTRF loan to finance this \$3,231,300 project. The existing of \$21.63 per 4,500 gallons is expected to increase to \$30.75. The 1.5 percent MHI was shown to be \$27.87.

Silverton PSD is planning to provide wastewater service for the first time with project 2003S-726. This project includes the construction of a collection sys-

tem with manholes, pumping stations, and other appurtenances. A total of 255 new customers will be served by the \$3,550,000 project. Recommended funding consists of \$1,550,000 from the Clean Water State Revolving Fund (CWSRF); a \$500,000 Appalachian Regional Commission (ARC) grant; and a \$1,500,000 COE grant. The proposed rate per 4,500 gallons is \$52.35. The 1.5 percent MHI was listed at \$25.89.

Projects Recommended To Pursue Infrastructure Fund Assistance

The Kanawha County Rural Development Authority was recommended to seek \$257,500 of assistance from either the IJDC or the COE for project 2002W-709. This \$881,000 project will extend water service to 67 new customers in the Upper Fisher's Branch area of Kanawha County. Water for these residents will be supplied by West Virginia American Water Company (WVAWC). This project requires the construction of a new storage tank and a new booster station and the installation of seven fire hydrants. The other recommended funding sources include a \$134,000 contribution from WVAWC and a \$100,000 contribution from the Kanawha County Commission. The rate per 4,500 gallons will be \$36.23. The 1.5 percent MHI income for the area was stated at \$24.57.

The Town of Wardensville was recommended to pursue an Infrastructure Fund loan of \$147,943 and a grant of \$443,827 from the Army COE for project 2000S-523. The



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SCBG program was listed as an alternative source for this \$591,770 project that has been designed to protect the municipal wastewater plant from flooding and erosion. The existing rate per 4,500 is \$24.15. The proposed rate has been set at \$26.57. The 1.5% MHI was determined to be \$15.20.

The Weston Sanitary Board is planning several improvements to its wastewater collection system with project 2003S-725. IJDC members recommended that the Weston Sanitary Board pursue a \$450,000 Infrastructure Fund loan and a total of \$1,350,000 from the Army COE to fund this \$1,800,000 project. The existing rate per 4,500 gallons is \$38.43 and the proposed rate was listed at \$39.13. The 1.5 percent MHI for Weston was projected at \$17.92.

IJDC Meeting
Wed., 9:30 A.M.

May 1, 2003
Erickson Alumni Center
WV State College
Institute, WV

Project Applications Received

The following water project applications were submitted during the April 2, 2003 IJDC meeting: **Adrian PSD** (2003W-729); **Village of Beech Bottom** (2002W-688); **Big Bend PSD** (2003W-730); **Crum PSD** (2003W-739); **Elizabeth** (2003W-741); **Falling Springs (Renick)** (2002W-672); **Gilmer County PSD** (99W-473); **Kanawha County RDA** (2003W-728); **Kenova** (2003W-743); **Lewis County EDA** (2003W-742); **Marlinton** (2003W-733); **Marlinton** (2003W-734); **New Haven PSD** (2002W-708); **Oakvale Road PSD** (2003W-732); **Pleasants County PSD** (2003W-737); **Preston County PSD #1** (2001W-602); **Rowlesburg** (2002W-674); **South Putnam PSD** (2002W-678); **Summersville** (2003W-735); **Wayne** (96W-192).

Wastewater project applications submitted during the April 2, 2003 IJDC meeting included: **Bradley PSD** (2000S-521-a); **Bradley PSD** (2000S-521-b); **Farmington** (2003S-740); **Hinton** (2002S-676); **Parkersburg Utility Board** (2001S-631-b); **Pine Grove** (2002S-685); **Red Sulphur PSD** (96S-250); **Scotts Run PSD** (99S-478); **Shady Spring PSD** (2001S-616); **Warm Springs PSD** (2003S-736); **Wayne** (2003S-738); **White Sulphur Springs** (2003S-731).

This Newsletter is published only for informational purposes. Await notification from the Infrastructure Jobs Development Council before proceeding with your projects.

Projects Recommended for Infrastructure Fund Binding Commitment

The Parkersburg Utility Board received an IJDC binding commitment for a \$926,000 loan for wastewater project 2001S-631b. This \$3,926,000 project calls for the rehabilitation of 19,000 linear feet of sanitary sewers and the replacement of another 7,000 feet. A number of other system improvements are included in this project. A \$3,000,000 loan from either the WDA or the CWSRF program was also recommended. The existing rate of \$25.00 per 4,500 gallons will remain unchanged. The 1.5 percent MHI was listed at \$25.58.

A binding commitment for an \$1,850,000 IJDC loan was issued to **Silverton PSD** for water project 99W-510. This \$4,930,000 project will extend service to 298 new customers in northern Jackson County. A total of \$3,080,000 in grant and loan dollars has been committed to this project by the USDA Rural Utilities Service (RUS). The existing rate of \$26.70 will be increasing to \$34.71 per 4,500 gallons. The 1.5 percent MHI for Silverton PSD was listed at \$26.90.

Walton Public Service District received a binding commitment for a \$100,000 IJDC loan for project 2000W-549. This \$1,000,000 project will extend service to 55 new customers. A total of \$500,000 in grants and loans from RUS has been committed to this project as has an ARC grant of \$400,000. The existing rate was listed at \$24.30. The proposed rate was stated at \$27.90.

The 1.5 percent MHI for **Walton PSD** was shown to be \$20.63.

Flatwoods-Canoe Run Public Service District is planning to add 129 new water customers with project 2002W-665. IJDC members issued a binding commitment for a \$1,476,975 loan for this \$2,976,975 project. A \$1,500,000 committed SCBG grant rounds out the funding for this project that will extend service to the Poplar Ridge area of Braxton County. The existing rate is \$26.59 and the proposed rate was listed at \$27.26. The 1.5 percent median household income was stated at \$24.66.

Prichard Public Service District in Wayne County received a binding commitment for an IJDC loan of \$877,000 and an IJDC grant of \$300,000 for project 2000S-572. This project also received classification by IJDC members as an "emergency project." This status, as defined in State Code 31-15A-2 will enable to project to be completed faster and meet deadlines that are "essential for immediate economic development." A new manufacturing firm is locating in the Prichard Industrial Park and timely completion of this project is critical to the area's economy. This \$3,315,000 project calls for the construction of a new 100,000 gpd wastewater treatment plant that will serve 225 new customers. Other funding sources include an ARC grant of \$1,000,000; and a committed U.S. Economic Development Administration (EDA) grant of \$1,138,000. The proposed rate was listed at \$35.14. The 1.5 percent MHI was calculated to be \$26.03.



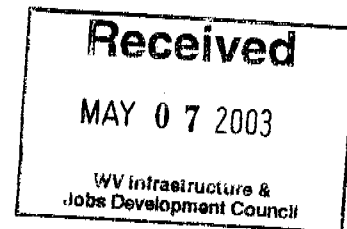
West Virginia-American Water Company

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May 5, 2003



Ms. Katy Mallory, Executive Secretary
WV Infrastructure & Jobs Development Council
300 Summers Street, Suite 980
Charleston, West Virginia 25301

Re: IJDC Legislative Rule
Section 5.7.1

Dear Ms. *Katy* Mallory:

Thank you for the opportunity of allowing West Virginia-American Water Company to respond to your proposed changes to the rules that govern the West Virginia Infrastructure & Jobs Development Council.

The change in the average usage from 4500 gallons per month to 4000 gallons per month is a prudent and responsible change to the present rules. The Company feels that the 4000 gallons more accurately reflect the actual usage of the average customer.

The change in reference to the most recent Bureau Census data is also more reflective of the actual information that should be taken into consideration by the IJDC.

Ms. Mallory, should you need additional information, please do not hesitate to give me a call. We appreciate the hard work that you and the Council perform.

Very truly yours,

Chris E. Jarrett