

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #5

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FILED

2011 JUL 28 PM 1:46

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Public Service Commission TITLE NUMBER: 150

CITE AUTHORITY: WVa Code §§24-1-1, 24-1-7, 24-2-1 and 24-2-2

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

WVa. §24-1-7

AMENDMENT TO AN EXISTING RULE: YES X NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Rules and regulations for the Government of Electric Utilities

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS August 28, 2011


Authorized Signature

Public Service Commission

Richard E. Hitt, General Counsel



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Charleston, West Virginia 25323

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July 28, 2011

Judy Cooper, Director
Administrative Law Division
Secretary of State's Office
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0771

Re: Public Service Commission Rules and Regulations for the Government of Electric Utilities 150 C.S.R. Series 3.

Dear Ms. Cooper:

Enclosed for filing is a copy of the finally adopted rules, amending the above series. The Commission adopts these rules following notice of proposed rules, and review of filed comments. These final Rules Governing Electric Utility Net Metering Arrangements and Interconnections, incorporate new electric reliability provisions.

The rules are adopted under the Commission's existing rulemaking authority, exempt from legislative rulemaking review, pursuant to W.Va. Code §§ 24-1-1, and 24-1-7, and 24-2-1.

Enclosed are a notice of agency adoption. A fiscal note, summary of the rule, and statement of circumstances were previously filed with the Secretary of State on March 22, 2011, with the proposed rules. There has been no change in the fiscal impact of the rules.

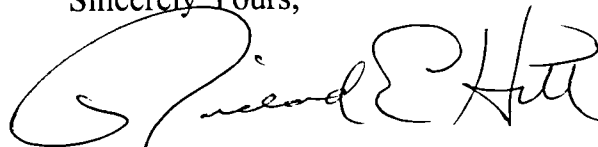
Enclosed you will also find the final Commission Order, dated July 28, 2011, attaching the final rules in both a clean copy and a blackline copy indicating amendments to the existing rules. A clean copy of the final rules on a CD is also enclosed. By prior Order issued July 30, 2010, the Commission issued the proposed rules, provided notice and publication of the rulemaking and provided a comment period for interested parties. The comments filed in this rulemaking proceeding are also enclosed. The final Commission Order, dated July 28, 2011, contains the Commission response to the comments filed in this proceeding.

Letter to Judy Cooper
July , 2011
Page 2

Because the Commission is not part of the Cabinet structure, the Commission Order is the evidence of the approval of the filing by the agency head, Chairman Michael A. Albert.

Please date stamp the enclosed three extra copies of the filing packet and return them with our messenger. If you have any questions or if there are any problems please bring them to my attention.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Richard E. Hitt". The signature is fluid and cursive, with a large initial "R" and "H".

Richard E. Hitt
General Counsel

cc: Jessica Lane, Law Clerk

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 28th day of July 2011.

GENERAL ORDER NO. 259

IN THE MATTER OF the amendment of the
Rules and Regulations for the Government of Electric Utilities,
150 C.S.R. 3, by the adoption of Electric Reliability Rules.

COMMISSION ORDER

The Commission promulgates final electric reliability rules in its Rules and Regulations for the Government of Electric Utilities, (Electric Rules) 150 C.S.R. Series 3.

Background

By Order issued September 13, 2010, the Commission established a Working Group to develop consensus electric reliability rules to apply to all electric utilities operating in the State and invited any electric utility operating in West Virginia to participate. This rulemaking proceeding arose from the Commission General Investigation into Power Outages that Occurred During and After the Winter Storm on December 18 and 19, 2009, Case No. 10-0019-E-GI.

On November 12, 2010, Commission Staff, on behalf of the Working Group, filed a Report and a consensus proposal of Electric Reliability Rules. The Report stated that the Working Group participants included Allegheny Power, American Electric Power, the Commission's Consumer Advocate Division, Staff, and the Public Systems which are comprised of Harrison Rural Electrification Association, Inc., the Cities of New Martinsville and Philippi, Craig-Botetourt Electric Cooperative and Shenandoah Valley Electric Cooperative.

By Order issued March 22, 2011, the Commission promulgated the Working Group consensus proposed rules with a few amendments as explained in that Order. The Commission also ordered public notice of the proposed rules and established filing dates for the filing of initial and reply comments. The comment period ended May 23, 2011.

On April 21, 2011, each of American Electric Power (AEP), Allegheny Power (Allegheny), Commission Staff, and the Commission Consumer Advocate Division (CAD), filed initial comments to the proposed rulemaking.

On May 20, and 23, 2011, each of Allegheny and Staff, respectively, filed reply comments.

DISCUSSION

The Commission will discuss the filed initial and reply comments.

Rule 2.7.3.a.

The proposed rule required electric utilities to notify the Commission not later than twenty-four hours or 5:00 p.m. of the next business day, whichever is sooner, upon determining that a Significant Interruption, as defined in the rules, has occurred. The twenty-four hour requirement differed from the Working Group recommendation of a seventy-two hour notification requirement. In AEP's initial comments, AEP requested that the Commission reconsider the hour requirement and asserted that a seventy-two hour requirement would enable the utility to focus on problem solution instead of making Commission notification, and would result in the transmission of more accurate interruption data to the Commission. Allegheny, on the other hand, stated that it had no objection to the twenty-four hour notification requirement.

The Commission will leave the twenty-four hour requirement in the rules because the Commission does not believe that a phone call to notify the Commission of a Significant Interruption will pose a burden on the utility. Furthermore, the utilities will be free in later communications with the Commission to correct any inaccuracies inadvertently relayed to the Commission during the twenty-four hour period.

Rule 2.7.4.b.7

The final rules are corrected to include language that was omitted from the proposed rule by copying error.

Rule 5.8.2.a

AEP, Staff and Allegheny filed comments addressing the date for the filing by utilities of proposed reliability indices targets, Commission review of the targets, modification of targets by the utilities and whether the filing of requests to modify targets should correspond with the filing date of reliability reports. Upon review, the Commission has amended the language of the proposed rule to require utilities to file reliability index targets within 120 days of the effective date of these rules. The Commission may approve the targets as filed, or may modify one or more of the targets. Any subsequent changes or modifications to the targets are to be filed with the Commission for approval on application by a utility, petition of an interested party, or the Commission may consider modifications on its own motion. Utility applications to modify reliability targets must be filed on or before May 1 of each year. The parties also asked the Commission to correct a typographical error in the rules.

FINDING OF FACT

The Commission promulgates final rules regarding electric reliability requirements.

CONCLUSION OF LAW

After considering the filed comments in this proceeding, the Commission promulgates final rules revising the Electric Rules to include electric reliability requirements.

ORDER

IT IS THEREFORE ORDERED that the Executive Secretary of the Commission shall submit the final Rules and Regulations for the Government of Electric Utilities 150 C.S.R. 3, attached hereto as Attachment A, to the Secretary of State.

IT IS FURTHER ORDERED that the final Rules will be effective August 25, 2011.

IT IS FURTHER ORDERED that Attachment B is a blackline version, showing changes to the Rules and Regulations for the Government of Electric Utilities comparing the currently effective Rules to the final Rules.

IT IS FURTHER ORDERED that the rules submitted to the Secretary of State shall be accompanied by the required Form No. 5, "Notice of Agency Adoption of a Procedural or Interpretive Rule or a Legislative Rule Exempt from Legislative Review."

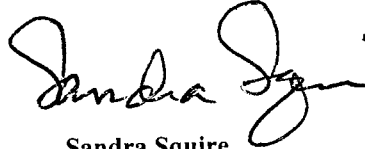
IT IS FURTHER ORDERED that the Executive Secretary cause a true and accurate copy of the final Rules to be posted upon the Commission website.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this order, omitting the attachments, on the parties that filed comments in this proceeding by electronic mail or by United States First Class Mail and on Staff by hand delivery.

IT IS FURTHER ORDERED that the Executive Secretary provide copies of the final Rules to the interested parties who address inquiries to Sandra Squire, Executive Secretary, Public Service Commission of West Virginia, P.O. Box 812, Charleston, WV 25323.

IT IS FURTHER ORDERED that on entry of this Order this case shall be removed from the Commission docket of open cases.

A True Copy, Teste:



Sandra Squire
Executive Secretary

JML/tt
go259ca.wpd

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION
SERIES 3
RULES AND REGULATIONS FOR THE GOVERNMENT
OF ELECTRIC UTILITIES

2011 JUL 28 PM 1:45

WEST VIRGINIA
SECRETARY OF STATE

§150-3-1. General.

1.1. Scope. -- These rules govern the operation and service of electric utilities subject to the jurisdiction of the Public Service Commission of West Virginia pursuant to W.Va. Code §24-2-1.

1.2. Authority. -- W. Va. Code §§24-1-1, 24-1-7, 24-2-1 and 24-2-2.

1.3. Filing Date. -- ~~November 4, 1999~~ -- July 28, 2011

1.4. Effective Date. -- ~~January 3, 2000~~ -- August 29, 2011

1.5. Amendment of Former Rule -- This legislative rule amends West Virginia Legislative Rule "Public Service Commission, Chapter 24-1, Series III, Rules and Regulations for the Government of Electric Utilities", filed November 4, 1999. Subsection heading of the standard format.

1.6. Authorization of rules.

1.6.1. These rules are intended to insure adequate service to the public, to provide standards for uniform and fair charges and requirements by the utilities and their customers, and to establish the rights and responsibilities of both the utility and the customer.

1.6.2. The adoption of these rules and regulations shall in no way preclude the Public Service Commission from altering or amending them in whole or in part, or from requiring any other or additional service, equipment, facility, or standard, either upon complaint or upon its own motion, or upon the application of the utility.

1.6.3. These rules shall not relieve in any way a utility from any of the duties under the laws of this State.

1.7. Application of rules.

1.7.1. These rules apply to public utilities as defined in Rule 1.8.

1.7.2. If hardship results from the application of any rule herein prescribed, or if unusual difficulty is involved in immediately complying with any rule, application may be made to the Commission for the modification of the particular rule or for temporary or permanent exemption from its provisions: Provided, That no application for such modification or exemption shall be considered by the Commission unless there is submitted therewith a full and complete justification for such action.

1.8. Definitions.

1.8.1. Commission -- Whenever in these rules and regulations the words "Commission" or "Public Service Commission" occur, such word or words shall, unless a different intent clearly appears from the context, be taken to mean the Public Service Commission of West Virginia.

1.8.2. Public Utility -- Except where a different meaning clearly appears from the context, the word or words "utility" or "public utility" when used in these rules and regulations shall mean and include any person or persons, or association of persons, however associated, whether incorporated or not, including municipalities, distributing or selling electric energy for light, heat, power or other purpose, which are now or may hereafter be held to be a public service.

1.8.3. Customer -- The word "customer" as used in these rules shall be construed to mean any person, group of persons, firm, corporation, institution, municipality or other service body furnished electric service by an electric utility.

1.8.4. Residential Service --

a. "Residential Service" is defined as a service to a householder or tenant, living in a separate house or separate apartment in a building, using electric energy for general household service.

b. Residential Service may be extended to include use of electric energy for lighting the yard, private garages and/or barns, which are adjacent to, connected with and used exclusively by the resident being served.

c. Should the owner of a multiple apartment building undertake to furnish electric energy to his tenants as a part of their monthly rent, then such service shall be classed as "Commercial."

d. In cases where a householder or tenant devotes some portion of the occupied building to substantial and bona fide commercial use and uses the remainder as a residence then the total service will be classified as commercial or the customer must separate his wiring so that each class of service can be separately metered and billed at the applicable rate.

1.8.5. Commercial Service --

a. "Commercial Service" is defined to include service to each separate business enterprise, occupation or institution occupying for its exclusive use any unit or units of space as an entire building, entire floor, suite of rooms or a single room, and using energy for the illumination of such space and for such incidental use as the schedule of rates applicable to the particular installation may permit. Commercial Service shall apply to all stores, offices, hotels, wholesale houses, garages, display windows, signs, theaters, barber and beauty shops, churches, opera houses, auditoriums, lodge halls, school houses, banks, bakeries, and any other space occupied for commercial purposes. Any rooming house, lodging house, resort, inn or tavern renting more than four rooms to strangers or transients without any previous agreement for accommodation or as to the duration of stay shall be classed as a hotel and as such it comes under the commercial classification.

b. Where a single business enterprise or institution occupies more than one unit of space in the conduct of the same business, each separate unit will be metered separately and considered a separate service unless the units are adjoining or on the same plot of ground and the customer makes the necessary provisions for approved circuits and loops whereby the different units may be connected to permit the metering of all the energy used in the various units through one meter. This Rule shall not be construed to allow any customer to secure combined meter readings and billings by reason of ownership in the same person, partnership, association or corporation of different buildings or units of space which are not used and operated by the customer and held out to the public as one single business unit.

1.8.6. Power Service --

a. "Power Service" is defined to include service to each separate business enterprise, occupation or institution occupying for its exclusive use any unit or units of space as an entire building, entire floor, suite of rooms, or a single room, and using energy for driving motors and for supplying electric service used in industrial processes.

b. Primary power service is defined as service at the voltage common to the primary of the distribution system.

c. Secondary power service is defined as service at the voltage common to the secondary of the distribution system.

d. Where a single business enterprise, occupation or institution occupies more than one unit of space in the conduct of the same business and requires energy for power purposes, as defined herein in each unit of space, each unit will be metered separately and considered as a separate service unless the units are adjoining or on the same plot of ground and the customer makes the necessary provisions for approved circuits and loops by which the different units can be connected to permit the metering of all energy used for power purposes in the various units through one meter.

1.8.7. Street Lighting Service -- "Street Lighting Service" is defined as service furnished for the purpose of lighting streets, highways, roads, parks and outdoor public places.

1.8.8. Forced Outage -- The state of a component when it is not available to perform its intended function due to an unplanned event directly associated with that component.

1.8.9. Interruption Duration -- The period of time measured in minutes that starts when a utility is notified or becomes aware of an interruption and ends when the utility restores service.

1.8.10. Major Event -- An event that exceeds reasonable design and or operational limits of the electric power system. A Major Event includes at least one Major Event Day.

1.8.11. Major Event Day (MED) -- A day in which the daily system SAIDI exceeds a threshold value, T_{MED} . For the purposes of calculating daily system SAIDI, any interruption that spans multiple calendar days is accrued to the day on which the interruption began. Statistically, days having a daily system SAIDI greater than T_{MED} are days on which the energy delivery system experienced stresses beyond that normally expected (such as severe weather). Activities that occur on major event days should be separately analyzed and reported.

1.8.12. Major Event Day Threshold (T_{MED})-- The standard T_{MED} (Major Event Day Threshold) calculation as indicated by the most recently published, current IEEE 1366 Standards.

1.8.13. Reliability Indices -- Generally accepted indices that reflect frequency and duration of outages at the system or customer level, such as System Average Interruption Frequency Index (SAIFI), System Average Interruption Duration Index (SAIDI), Customer Average Interruption Duration Index (CAIDI) and Momentary Average Interruption Frequency Index (MAIFI) for purposes of assessing, monitoring, and evaluating system reliability. Each utility shall adopt standard Reliability Indices definitions and calculations as indicated by the most recently published, current IEEE 1366 Standards.

1.8.14. Service Area -- An electric utility operating company's service territory within the State.

1.8.15. Planned Interruption -- Interruptions exclusive of Major Events that occur when a component or piece of equipment is deliberately taken out of service at a specified time for purposes of preventative maintenance, repair, or construction. Any interruption that can be deferred for a period of time is considered a Planned Interruption.

1.8.16. Sustained Interruption -- All interruptions more than five minutes in duration.

1.8.17. System Reliability -- The degree to which electric service is supplied without interruption, as defined by the most recently published, current IEEE 1366 standards, to customers within the State of West Virginia.

1.8.18. Worst-Performing Circuits -- Those distribution circuits that are among the five percent of all circuits in a Service Area, or at least one circuit in a Service Area, with the lowest performance values according to the calculated Reliability Indices. Each operating utility may define its own calculation for Worst-Performing Circuits, and shall report on the basis of its calculations for its own West Virginia Service Areas.

1.8.19. Momentary Interruption -- A single operation of an interrupting device that results in a voltage zero. For example, two circuit breaker or recloser operations (each operation being an open followed by a close) that momentarily interrupts service to one or more customers is defined as two Momentary Interruptions.

1.8.20. Significant Interruption -- Any Sustained Interruption lasting over six hours in duration and affecting 2,500 customers or more.

§150-3-2. Records, Reports and Other Information to be Supplied to the Commission.

2.1. Records and reports.

2.1.1. Preservation of records -- All records required by these rules shall be preserved by the utility in accordance with the "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities" as prescribed by the National Association of Regulatory Utility Commissioners (NARUC) dated May, 1985, and adopted by the Commission by General Order No. 184.6 of March 30, 1987, and effective May 29, 1987, except, as they may be hereinafter modified by the Commission and except for Items 9(b) and 54(b) which are herein modified. No such record shall be destroyed earlier than as provided by these rules without Commission approval. (NOTE: These NARUC regulations are published in separate pamphlet form and will be furnished upon request).

a. Item 9(b) of the NARUC Regulations shall be modified to provide a retention period as follows:

Retain program documentation for current active source coding and the source coding immediately preceding the current one.

b. Item 54(b) of the NARUC Regulations shall be modified to provide a retention period as follows:

Six months: Retain for an additional thirty (30) months if no other sources of this information are available.

2.1.2. Location of records.

a. Such records should be kept at the office or offices of the utility in West Virginia, and shall be available during regular business hours for examination by the Commission or its duly authorized representative or,

b. If kept outside of the State they shall be brought to the utility's office in West Virginia upon the request of the Commission or the utility may be required to pay the reasonable traveling expenses of such Commission employees assigned to the work when it is necessary to examine such records.

2.1.3. Reports to the Commission.

a. Each utility shall be required to furnish and report to this Commission when called upon to do so by the Secretary, or Director of any Division of the Commission, any other and further information in its possession respecting rates or practices in conducting its service, which may from time to time be required by this Commission, and without formal order of the Commission authorizing such request for said information.

b. Each utility shall submit to the Commission, upon request, duplicate copies of reports made by it to Federal Regulatory Commissions pertaining to any phase of its business as an electric utility in West Virginia.

2.2. Filing of rate schedules.

2.2.1. Filing required -- All rate schedules, rules, regulations, special contracts and other charges, for the purchase, sale or transportation of electric energy shall be filed by each utility with the Secretary of the Commission before they become effective.

2.2.2. Manner of filing -- Tariffs containing all the rates, rules and regulations of each utility shall be filed in the manner prescribed by the Commission in "Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carriers by Motor Vehicles," in effect on the date of such filing.

2.2.3. Forms for filing -- The Commission will, upon application, furnish proper blanks to be used for the filing of tariffs and any changes thereof and additions thereto.

2.2.4. Utility's special rules -- A utility desiring to establish any rule or requirement supplementing the rules of the Commission shall first make application to the Commission for authority for such rule or rules, clearly stating in its application the reason for such establishment.

2.2.5. Exemption -- A customer who has complied with the rules of the Commission shall not be denied service for failure to comply with the rules of the utility that have not been approved by the Commission.

2.3. Financial and statistical report.

2.3.1. Each utility shall file annually a financial and statistical report upon forms to be furnished by the Commission or in lieu thereof, upon forms approved by the Commission.

2.3.2. Said report shall be based upon the accounts set up in conformity with the Commission's order and rule as set out in section 2.4. of these rules.

2.3.3. This report shall be filed on or before March 31st of the succeeding year for which the report covers.

2.3.4. For good cause shown, the Commission will grant, through its Secretary, a reasonable extension of time upon application therefor in writing to the Secretary, such application to be made before the expiration of the time for filing of such report.

2.4. Uniform system of accounts.

All electric utilities are required to maintain their books and records in accordance with the "Uniform System of Accounts" promulgated by the Federal Power Commission, as published in Title 18 C.F.R. parts 101 and 104, and in effect as of January 1, 1977.

2.5. Maps and records.

2.5.1. Each utility shall keep on file suitable maps, plans and records showing the layout of every generating plant, transmission and primary distribution system, and substation, with the location, size and character of each plant, transmission and primary distribution lines, substation and other facilities used in the production and delivery of electric energy.

2.5.2. In the case of new construction or property acquired from others, the additions to such maps and records should be made by the end of the next calendar year following the year in which the construction is done or property acquired.

2.5.3. The maps, plans and records required by the provisions of this rule shall be kept up to date so that the utility can furnish promptly and accurately any information regarding its facilities, or copies of its maps requested by the Commission.

2.6. Management audits.

2.6.1. Scope -- To establish a procedure for examination of management practices and policies to determine whether the entity being audited is operating with efficiency and utilizing sound management practices. The purpose of a management audit is to disclose operating areas that are efficient or inefficient, to identify areas for improvement, and to form recommendations for changes. The results of a management audit and the response of the utility to the recommendations and implementation plans developed pursuant to a management audit may be a factor in determining just and reasonable rates, as set out herein.

2.6.2. Types of management audits -- The following types of management audit, which vary in scope, may be directed and utilized by the Commission:

a. Comprehensive -- An investigation characterized by an extensive, detailed analysis of a utility's management and operations.

b. Reconnaissance -- A broad review, similar in scope to a comprehensive audit, but in less detail. The objective of this type of audit is to identify specific areas for more intensive investigation based upon the magnitude of the problem identified or the potential benefits to be derived.

c. Focused -- An in-depth investigation of one or several specific areas of a utility's management and operations.

2.6.3. Frequency -- The Commission shall order a management audit of any utility under its jurisdiction whenever the Commission deems it necessary to investigate the operational efficiency of the utility. Such factors as the cost of the management audit and the potential benefits of such audit may be taken into consideration. The Commission may accept or request a management audit performed under the rules of another jurisdiction in satisfaction of this rule when that audit is of the scope contemplated by the Commission, conforms to the standards herein set forth and covers the utility's service functions in its West Virginia jurisdiction.

2.6.4. Conduct and control --

a. The Commission may choose to have the audit performed by its Staff or contracted to a qualified outside auditing firm. In the latter case, the Commission may supervise the selection process. If the management audit is to be conducted by an auditing firm, the Commission's order initiating the audit shall include provision for the development of the request for proposal (RFP), the consultant selection process and Staff's assistance and supervision during the audit.

b. The Commission may impose eligibility restrictions upon contractors relating to past, current, and post-audit relationships with the utility.

c. The utility is expected to cooperate to the fullest extent with the performer of a Commission ordered management audit. A responsible employee shall be appointed by the utility as its management audit coordinator, who shall be responsible to assist in the efficient performance of the management audit.

2.6.5. Costs -- It shall be the responsibility of the audited utility to pay for a contracted audit. The Commission shall include the reasonable cost of conducting the contracted management audit in the cost of service of the utility. The Commission may allow such costs to be recovered in the utility's next general rate case following completion of the audit, or the

Commission may order such costs to be amortized over a reasonable period of years, considering the impact of these costs on both the utility and its customers.

2.6.6. Implementation of recommendations --

a. Draft report.

1. Upon completion of the audit a draft report shall be submitted to the utility for comments.

2. The auditor and utility representatives shall conduct a draft review meeting subsequent to the distribution of the draft review report.

b. Final report.

1. A final report shall be submitted to the Commission no later than thirty (30) days after the submission of the draft report to the utility.

2. Within thirty (30) days of the final submission of the management audit report, the utility shall file a document detailing its position on each audit recommendation. This document must state which recommendations are acceptable to the utility and the nature of the utility's disagreement with any recommendations.

c. The Commission may, after hearing, issue an order prescribing the recommendations which should be adopted by the utility.

d. The utility shall file detailed implementation plans for the Commission's review and approval within the time specified in the Commission's order prescribing which recommendations the utility should adopt. The utility shall not deviate from an approved implementation plan without prior notice to the Commission which specifically states the utility's reasons for departing from the approved plan.

e. At the direction of the Commission, a follow-up audit may be performed to review the progress of the utility in implementing the approved plans and the results of previously performed management audits.

f. A management audit report and implementation plan adopted pursuant thereto and any follow-up audit may be used by parties in a general rate case subsequent to the management audit. Such audits and implementation plans may be a factor in the determination of just and reasonable rates if introduced as an exhibit and subjected to normal due process procedures.

g. The Commission may grant an extension of the time limits established in this section upon a showing of good cause for such extension.

2.7. Reliability Reporting Requirements.

2.7.1. Commission Point of Contact -- All reliability reports, interruption reports, and outage reports shall be filed with the Commission's Executive Secretary to be maintained at the direction of the Commission and copies to be filed with the Engineering Division in paper and electronic formats.

2.7.2. MAIFI data -- Electric utilities are not required to collect and report MAIFI data under the Commission's Rules and Regulations for the Government of Electric Utilities until such time, that they have deployed the technology and equipment necessary to accurately do so. These rules should not be construed to require electric utilities to deploy such technology and equipment. Rather, references to MAIFI are included in these Rules merely in recognition that the technology needed to collect MAIFI data may become more readily available and economically feasible in the future.

2.7.3. Significant Interruptions and Major Events --

a. Significant Interruption Notification -- Utilities shall notify the Commission as soon as reasonably possible, and not later than twenty-four hours or 5:00 pm of the next business day, whichever is sooner, upon determining that a Significant Interruption has occurred. The notice shall include the general location, the approximate number of customers affected, the cause if known, the time of the event, and the estimated time of full restoration. The notice shall also include the name and telephone number of the utility contact person. If the duration of the Significant Interruption is greater than twenty-four hours, the utility shall update this information daily and file a Major Event Report as described in (b) below.

b. Major Event Reports -- If a Significant Interruption become a Major Event, a utility will submit a Major Event Report to the Commission as soon as is practicable but no later than forty-five calendar days after the end of the event. The Major Event Report shall include: the date and time of the Significant Interruption; the date and time of full restoration; the cause of the interruption; the location, substation and feeder identifiers of affected facilities; and the total number of customers affected.

2.7.4. Annual Reliability Reports --

a. Each utility shall submit annual reliability reports to the Commission no later than May 1st of each year, for the preceding calendar year.

b. The reliability reports shall include, but not be limited to, the following information for the preceding calendar year:

1. A narrative summary of the system's line miles, distribution system voltages, number of customers, number of circuits, and overall System Reliability based on SAIFI, CAIDI,

- SAIDI and, if applicable, MAIFI performance with Major Event Days excluded and included;
2. The number of Sustained Interruptions by cause with Major Event Days excluded;
 3. A summary of distribution system capital and operation & maintenance expenditures;
 4. A summary of the number of customer reliability formal and informal complaints made with the Commission;
 5. A listing of circuit performance by Service Area based on SAIFI, CAIDI, SAIDI, and, if applicable, MAIFI performance for the calendar year with Major Event Days excluded;
 6. A narrative summary of the utility's program for analyzing its Worst-Performing Circuits throughout each year;
 7. A list of the top five percent of the utility's Worst-Performing Circuits with a minimum of at least one circuit per Service Area; and
 8. Planned improvements to Worst-Performing Circuits.

§150-3-3. Meter Requirements.

3.1. Methods of measuring service.

3.1.1. Metered --

a. All electric energy sold within the State of West Virginia shall be by meter measurements, except street lighting, outdoor lighting, traffic signal service and other small fixed loads.

b. All customers served under a given rate schedule shall have their energy consumption measured with meters having suitable characteristics.

3.1.2. Metering point -- Each point of delivery of service shall be considered as a customer and the metering and billing shall be administered accordingly unless the applicable rate schedule includes provisions, or the consent of the Commission is first obtained, for combined meter readings.

3.1.3. Waste or fraud --

a. The utility shall have the right to set meters or other devices for the detection and prevention of fraud or waste, without notice to the customer.

b. In any case, where a service meter or service facility has been tampered with so as to interfere with accuracy of registration or indication, the utility whose meter or service facilities have been tampered with shall be entitled to payment for energy or demand used but not registered during a period not exceeding one year prior to the date of discovery of the tampering, unless the time of tampering can be shown, in which case the energy not registered subsequent to such time shall be paid for.

3.2. Location of meters.

3.2.1. Utility rules and regulations -- Each utility may establish rules and regulations governing the service entrance wiring and equipment to be installed on customer's premises; such rules and regulations shall be effective when they have been filed with and approved by the Public Service Commission. In the absence of special rules and regulations filed by a utility, such utility shall require compliance with the following general provisions.

3.2.2. Accessibility -- All meters owned and installed by the utility shall be easily accessible for reading, testing and making necessary adjustments and repairs. When a number of meters are grouped at the same location, each service entrance equipment should be tagged, so as to indicate the circuit served by it.

3.2.3. Outdoor --

a. Where meters are installed outdoors on customer's premises they shall be placed on the exterior of buildings in locations readily accessible to authorized company representatives for meter reading, testing and maintenance and shall not be subject to severe vibration.

b. Meters should not be installed in locations where the meter readers or servicemen may inadvertently damage flower beds, or shrubbery, or where it will be necessary for them to climb over fences or other obstructions to service the meters. They shall not be placed in locations where they may be accidentally damaged or on buildings where they will cause inconvenience either to the customer or to the company's representative.

3.2.4. Indoor -- Where meters are installed indoors on customer's premises they shall be located in a clean, dry, safe place as free as possible from vibration.

3.2.5. Forbidden locations -- Meters should not be installed in basements where the only entrance is through a trap door or in coal or wood bins or on partitions forming such bins, nor on any unstable partitions or supports. They should not be installed in attics, bedrooms, bath or toilet rooms, restaurant kitchens, stairways, ventilating or elevator shafts, over windows, doors or in any like location. They should not be installed near belts or other moving machinery.

3.2.6. Precautions for demand meters -- Demand meters, in general, may be located the same as watthour meters but due to the fact that they may be provided with a clock mechanism (either spring or motor driven) that is more sensitive to temperature changes, moisture and dust than watthour meters, the locations should be such that the severity as far as these conditions will be minimized.

3.2.7. Exemption -- Districts subject to flood are exempted from this rule as it applies to the location of meters.

3.2.8. Duty of customer --

a. Proper provision must be made for the installation of the utility's meter. Unless the meter is to be mounted upon a panel installed within a cabinet or similar device, such provisions shall consist of a board constructed in accordance with the requirements of the utility, or where meter sockets or similar meter mounting devices are used, they are to be mounted plumb on flat surfaces and, in general, located at a point mutually agreeable to the customer and the utility. At least fifteen (15) inches clear space must be available on all sides of the meter mounting device and there must be a minimum of thirty-six (36) inches access space in front of the meter. Electric meters must not be installed in close proximity to water or gas meters or anything liable to damage the meter or thereby constitute a hazard to the customer's safety and continuity of the service.

b. When more than one meter is to be installed in the same building, it is recommended that provisions be made by the customer for grouping the meters at one location. When such grouping of single phase meters is made, they must not be mounted closer than 7 inches center to center.

3.3. Station meters and records.

3.3.1. Equipment --

a. Each utility generating electric power shall install and maintain in service in each generating station such integrating and recording meters as may be necessary to obtain a record of station voltage, of gross and net output, and of peak or integrated demand.

b. Each utility purchasing electric power shall maintain in service such meters or records as may be required to furnish a proper record of its purchases, and in case such utility serves more than 750 customers, it shall maintain available for use a recording voltmeter suitable for securing a record of voltage of supply.

3.4. Master metering.

3.4.1. Multiunit residential dwellings such as apartment houses, row houses, condominiums, etc., should be individually metered rather than master metered unless the utility

serving the facility, the owner or the designer of the facility or other interested party establishes by clear and convincing evidence that an exemption to this rule would be proper. For the purposes of these rules, hospitals, nursing homes, motels and dormitories are not considered to be multiunit residential dwellings.

3.4.2. Each electric utility should encourage separate metering of multiunit buildings constructed for other than residential purposes (office buildings for example) whenever reasonable considering conservation of energy resources, economics, technical and other practical constraints. For the purposes of these rules, hospitals, nursing homes, hotels, motels and dormitories are not considered to be multiunit residential dwellings.

§150-3-4. Customer Relations.

4.1. Customer information.

4.1.1. Character of service -- A utility shall, upon request, when application is first made for electrical service, furnish to the applicant, information regarding the character of service.

- a. Whether direct or alternating current is available.
- b. The voltage or voltages available.
- c. The frequency of the alternating current.
- d. Whether single or multi-phase lines are available.

4.1.2. Explanation of rates -- It shall be the duty of the utility to explain to the customer, at the beginning of service, or whenever the customer shall request the utility to do so, the utility's rates applicable to the type of service furnished to the customer and all other classes of customers, and to assist the customer in obtaining the rate which is most advantageous to the customer's requirement for service. The responsibility for the selection, however, must rest with the applicant. In the event that the customer's use of service is later such that an applicable rate schedule, other than the one initially selected, proves to be more favorable, the responsibility for requesting a change in rate schedule, consistent with the provisions of the service agreement, shall rest with the customer. The utility shall, on its periodic statements, annually inform its customers that, if they so request, it shall supply the customers with a copy of the utility's rate or rates applicable to the type of service to be furnished to them and to all other classes of customers with a concise written explanation of the rates, and an identification of any classes of customer whose rates are not summarized.

4.1.3. Selection of equipment -- When service is available only at certain times of the day or night, full information shall be given with respect thereto. Upon the request of any customer, reasonable assistance shall be given as to the selection of incandescent or other suitable types of lamps and appliances best adapted to the character of current furnished and

most advantageous to said customer under the terms of the schedule of charges under which service is being furnished.

4.1.4. Meter reading method -- The utility shall, upon request, inform its customers how meters are read.

4.1.5. Posting of law, rates, rules and regulations --

a. Every utility shall provide in its business office, where it may be available to the public, the following:

1. A copy of the rates, rules and regulations of the utility, and of forms of contracts and applications applicable to the territory served for that office.

2. A copy of Chapter 24, Code of West Virginia.

3. A copy of the Commission's Rules and Regulations for the Government of Electric Utilities.

b. A suitable placard in large type shall be placed in each business office of the utility giving information to customers that a copy of the law, the rules and regulations of the Public Service Commission and the schedules of rates are available for their inspection.

4.1.6. Information as to service -- Each utility shall, upon request, give its customers such information and assistance as is reasonable, in order that customers may secure safe and efficient service.

4.2. Customer deposits.

4.2.1. Security deposits --

a. Security deposit -- A utility may require an applicant or customer to make a deposit as a guarantee of the payment for electricity used. Such deposit shall not be more than one-twelfth (1/12) of the annual estimated charge for residential service and one-sixth (1/6) for all other service to secure the utility from loss. The utility shall not be bound to supply electricity until this condition is fulfilled and it may cut off the supply if the guarantee is not given when required. After the customer has paid bills for service for twelve (12) consecutive months, without a delinquency, the utility shall promptly and automatically refund the deposit in its principal amount plus accrued interest. Utilities may, at their discretion, refund deposits after shorter periods of time. Calculation of the above twelve (12) month period shall commence from the first regular payment or following the payment of a delinquent bill or bills. The interest rate to be paid shall be determined as follows. The rate which utilities shall be required to pay shall be the average of the one-year United States Treasury Bill rates for October, November and December of the preceding calendar year. By January 15 of each year, Staff of the Commission

shall make the necessary calculations and, file with the Commission its calculations. The Commission will issue an order setting the rate to be paid by the utilities until the next annual Commission order. The simple interest shall be paid at the date of discontinuance of service or at the end of the deposit period. The utility shall have a reasonable time to read and remove meters and to ascertain that the obligations of the customer have been fully performed before being required to return any deposit in the case where there has not been an automatic refund.

b. Record of deposit -- Each utility holding a cash deposit shall keep a record showing: (i) the name and current address of each depositor; (ii) the amount and date of the deposit; and (iii) each transaction concerning the deposit.

c. The receipt -- Concurrently with receiving a cash deposit, the utility shall deliver to the applicant for service or customer, a receipt showing: (i) the date thereof; (ii) the name of the applicant or customer and the address of the premises served or to be served; (iii) the service furnished or to be furnished; and (iv) the amount of the deposit and the fact that interest will be paid on the deposit. Each utility shall provide automatic means to refund the deposit of a customer, when the customer is so entitled, if the original receipt cannot be produced. A receipt or proof of payment will not be necessary under the provisions for an automatic refund.

d. Unclaimed deposits -- Should a utility have retained, through no fault of its own, deposits made by customers to whom service has been discontinued during any calendar year, it shall, on or before the first day of March, in each year, mail to the customer's last known address a check as refund of the deposit, plus accrued interest, or at the utility's option, publish a list of such depositors in a newspaper published and of general circulation in each of the counties in which it operates and in which the deposits were made, showing as of the thirty-first (31st) day of December immediately preceding, the amount of each such deposit, together with the interest due thereon, and notifying depositors listed therein that their deposits, together with accrued interest, are being held to their credit and will be returned upon request. The utility shall not be liable for any interest on such deposit after publication of such lists. (See W.Va. Code §34-2-1). Deposits remaining in the hands of the utility upon completion of the foregoing procedure shall be considered derelict property and shall escheat to the State of West Virginia under the provisions of the Code of West Virginia, Chapter 34, Article 2.

e. The Commission may, upon entry of a proper order, require any utility to segregate the customer deposits into a special account at a federally insured institution.

f. All utilities that collect security deposits must do so in a non-discriminatory manner.

g. Provided, however, that this rule shall not affect residential customer security deposits required by a utility prior to the passage of W.Va. Code §24-3-8 on March 12, 1983.

4.2.2. Guaranty agreement --

a. A utility may accept, in lieu of the cash deposit, a guaranty agreement signed by a financially responsible guarantor, whereby payment of a specified sum, not exceeding the cash deposit aforesaid, is guaranteed. The guarantor shall receive copies of disconnection notices sent to the customer whose account has been guaranteed: Provided, however, that the limitations herein fixed upon the terms of a guaranty agreement shall not apply to industrial customers.

b. Guaranty agreements shall terminate after the customer has satisfactorily paid bills for service for twelve consecutive months, or when the customer gives notice to the utility of the discontinuance of service at the location covered by the guaranty agreement, or three months after discontinuance of service where no notice was given or at the guarantor's request upon thirty (30) days written notice to the utility. In any case, after the automatic termination of a security agreement, where experience indicates that a cash deposit or a new guaranty agreement is reasonably necessary to secure the utility from loss, a cash deposit or a new guaranty agreement may be required upon written notice to the customer.

4.2.3. Application in case of receiver or trustee --

The aforesaid provisions shall apply in the case of a receiver or trustee, operating under court order a business requiring utility service.

4.3. Billing information.

4.3.1. Bills rendered periodically shall show the reading of the kilowatt hour meter at the beginning and the end of the period for which the bill is rendered, the date of such reading and the amount of energy supplied during the period. At the utility's option, meters of residential and small commercial lighting customers may be read and bills computed in units of ten kilowatt hours. Units larger than ten kilowatt hours may be used in the case of larger commercial and industrial customers when required by the meter design or the use of instrument transformers.

4.3.2. In the case of a demand rate the number of demand units used in billing shall be shown on the bill.

4.3.3. Mechanical billing -- Utilities desiring to adopt mechanical billing of such nature as to render compliance with all of the terms of Rule 4.3.1. impracticable, may make application to the Commission for relief from part of these terms. After consideration of the reasons given when asking for relief, the Commission may allow the omission of part of these requirements.

4.3.4. Billing period -- Meters will be read as nearly as possible at regular intervals except as otherwise provided in the utility's tariff. Because of the incidence of weekends, holidays, and unusual conditions, it is recognized that there may be variations of several days in the period between meter readings. No adjustment will be required in billing when the deviation

from the standard period is not more than five (5) days in the case of monthly billing, ten (10) days in the case of bi-monthly billing, and fifteen (15) days in the case of quarterly billing. When the deviation exceeds these limits, either for regular or periodic billing or for opening and closing bills, the energy blocks, demand charges, and minimum charges shall be prorated on the basis of the ratio of the number of days in the period in question to the number of days included in the standard period, which will be taken at thirty (30) days for monthly billing, sixty (60) days for bi-monthly billing, and ninety (90) days for quarterly billing.

4.4. Adjustment of bills.

4.4.1. Meter fast -- Whenever a meter in service is found upon periodic, request or complaint test, to be more than two percent (2%) fast, tests shall be made, as stipulated in Rule 6.4., to determine the average error of the meter.

a. Whenever a meter is found upon periodic, request or complaint test, to have an average error of registration of more than two percent (2%) fast the utility shall recalculate the monthly bills for a period equal to one-half of the time elapsed since the last test, but in no case shall this period exceed six (6) months. (See exception in Rule 4.4.4.). The method of recalculating the monthly bills shall be as shown in the following example:

1. A meter, upon test, was found to have an average accuracy of one hundred five percent (105%) or an error of five percent (5%) fast. The consumption registered for a billing period previous to test was one hundred five (105) K.W.H. The correct amount is determined by multiplying one hundred five (105) K.W.H. by one hundred (100) and dividing this product by one hundred five (105), (the average percent accuracy) which result is one hundred (100) K.W.H. and is the proper amount to be billed.

b. After making such recalculations the utility shall refund to the customer the difference between the amount previously billed and the amount calculated as being the proper charge.

4.4.2. Meter slow -- Non-residential customers.

a. When a meter upon periodic, request or complaint test, is found to have an average error of more than two percent (2%) slow, the utility may recalculate the monthly bills for a period equal to one-half of the time elapsed since the last test, but in no case to exceed six (6) months. The method for recalculating the monthly bills shall be as shown in the following example:

1. A meter, upon test, was found to have an average accuracy of ninety-five percent (95%) or an error of five percent (5%) slow. The consumption registered for a billing period previous to test was one hundred five (105) K.W.H. The correct amount is determined by multiplying one hundred five (105) K.W.H. by one hundred (100) and dividing this product by ninety-five (95), (the average percent accuracy) which result is 110.526 or one hundred eleven (111) K.W.H. and is the proper amount to be billed.

b. After making such recalculations the utility may collect from the non-residential customer an amount, equal to the difference between the amount previously billed, and the amount calculated as being the proper charge.

4.4.3. Percent error -- It shall be understood that when a meter is found to have an error in excess of two percent (2%) fast or slow, the figure for calculating the amount of refund or the amount to be collected by the utility, where applicable, shall be that percentage of error as determined by the test. It is the duty of the utility to maintain the accuracy of its measuring devices as near one hundred percent (100%) as it is commercially practicable. Therefore, percent error shall be that difference as between one hundred percent (100%) and percent accuracy as is indicated by a proper test.

4.4.4. Refunds -- The burden of maintaining measuring equipment, so that it will register accurately, is upon the utility; therefore, if meters, other than single phase meters tested under a sampling procedure approved by the Commission, are found upon test to register fast, and if time for periodic test has overrun to the extent that one-half (1/2) of the time elapsed since the last previous test exceeds six (6) months, the refund shall be for the six (6) months, as specified in Rule 4.4.1. a., and in addition thereto, a like refund upon those months exceeding the periodic test period: Provided, however, that the Commission may relieve the utility from this requirement in any particular case in which it shown that the failure to make the periodic test was due to causes beyond the utility's control.

4.4.5. Notification -- When a meter is tested and it is found necessary to make a refund or back bill a customer the customer shall be notified in substantially the following form:

On _____, 19____, the meter bearing identifying No. _____ installed in your building, located at _____, in _____ was tested at _____ and _____ *(on premises or elsewhere) found to register _____ . The meter was tested on _____ *(% fast or slow) _____ test. *(periodic - request - complaint)

Based upon this test, we herewith _____ *(charge or credit) you with the sum of \$ _____, which amount has been noted _____ . *To be filled in by utility.

4.4.6. Non-registering meter -- When a meter is found to be non-registering, the utility may recalculate the monthly bills for a period equal to the time period determined that the meter has been non-registering, but in no case to exceed three months. The recalculation shall be based upon a similar period of usage, temperature variations, changes in customer equipment

and other pertinent information. A meter is non-registering if it registers less than 25% of Kwh used when tested. A utility shall retain a non-registering meter for a minimum of thirty (30) days following a rule 4.4.5 notice.

4.5. Complaints.

4.5.1. Investigation of complaints -- Each utility shall make a full and prompt investigation of all complaints made to it by its customers, either directly or through the Commission.

4.5.2. Records of complaints -- The utility shall keep a record of all complaints received, which record shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof.

4.5.3. Disposition of records -- A summary of each complaint showing the nature of the complaint, the results of the investigation, and the disposition of each complaint will be prepared and maintained for a minimum of twenty-four (24) months after the resolution of each complaint.

4.6. Disputed bills.

In the event of a dispute between the customer and the utility respecting any bill, the utility shall make forthwith such investigation as shall be required by the particular case, and report the result thereof to the customer. In the event that the complaint is not adjusted, the utility shall, before service is discontinued, comply with the provisions of Rule 4.8.

4.7. Customer discontinuance of service.

4.7.1. Any customer desiring to have its service discontinued shall give at least three (3) days' notice thereof to the utility, unless a longer or shorter period shall be incorporated in any standard or special contract mutually agreed upon. Until the utility shall have such notice, the customer may be held responsible for all service rendered.

4.7.2. If service is disconnected at the request of the customer, the utility may refuse service to such customer, at the same premises within eight (8) months of such disconnection, unless it shall first receive payment of a reconnection charge as provided for in an effective tariff on file with the Commission.

4.8. Utility discontinuance of service.

4.8.1. Grounds for discontinuance and procedure to be followed --

a. A utility may, after giving written notice and personal contact as provided below, discontinue service to any customer for non-payment of bills where any bill is ten (10) or more days delinquent, or for fraud, or violation of its rules on file with the

Commission or failure to provide access to utility property located on the customer's premises, subject to the following conditions:

1. The written notice must comply with P.S.C. W. Va. Form No. 14-E and shall be sent first class mail, address correction requested, at least ten (10) days prior to the scheduled termination. The personal contact shall be at least twenty-four (24) hours prior to the scheduled service termination unless it is reasonably established that the premises are not permanently inhabited. The written notice shall become void if the utility has not discontinued service within (30) thirty days of the date indicated on the notice for termination. The personal notice shall become void if the utility has not discontinued service within thirty days of the personal notice. The individual giving notice in person shall present a copy of the original written notice or a document which contains the same information as presented on the original notice. If the personal notice is by telephone, the person shall inform the customer how to obtain a copy of the original written notice.

2. If, prior to termination of service, the utility receives notice from the customer (a) that any portion of a bill is in dispute, (b) that he is being charged for service not rendered, (c) that any information resulting in the utility's decision to terminate is erroneous, (d) that he is unable to pay for such service in accordance with the requirements of the utility's billing, and that termination of service would be especially dangerous to the health or safety of a member of the customer's household, or (e) that he is able to pay for the service but only in installments, the utility shall provide an opportunity to the customer for presentation of his complaint to a designated managerial employee, who is empowered to resolve the dispute. The hearing shall take place at the business office nearest to the customer's residence: Provided, however, that at the option of the customer, the hearing may take place by a telephone conference. The customer shall have seven (7) days from the date of the utility's decision to file an appeal with the Commission. Service may not be terminated from the date the utility receives notice of the customer complaint until the expiration of the seven (7) day appeal period, or during the pendency of an appeal to the Commission. Any amount not in dispute must be paid by the customer in order to protect his rights under this rule except as provided in Rule 4.8.1.a.3.

3. A residential customer who has been notified that electric service is to be terminated for non-payment of bills shall be given the opportunity to enter into a deferred payment agreement, provided that the customer has demonstrated an ability to pay but only in installments. The customer shall be informed at the time a disconnect notice is issued of the option for a reasonable payment plan. The conditions surrounding the deferred payment agreement shall be as follows:

A. The details of the deferred payment agreement are to be negotiated between the utility and the customer and may consider several factors, including, but not limited to the following: amount of the bill; ability of the customer to pay; payment history; time the debt has been outstanding; reasons why the debt has been outstanding; and any other relevant factors.

B. Utilities shall be allowed to collect a carrying charge of 6% on any outstanding balance subject to a deferred payment agreement; provided however that any utility which charges interest on unpaid balances pursuant to tariff shall be precluded from charging additional interest pursuant to this rule.

C. The deferred payment agreement shall include language informing the customer of the right to appeal the reasonableness of the proposed payments to the Public Service Commission.

D. During the appeal, service may not be terminated, provided, however, that the current bill must be paid by the customer in order to protect his rights under this rule.

E. If the deferred payment is not received in accordance with the terms of the agreement, the utility may terminate service only after it has mailed written notice, by first class mail, to the customer at least five (5) calendar days, excluding postal holidays, prior to termination, provided, that at the option of the utility, either personal contact or telephone contact may be substituted for contact by first class mail. If the customer makes the delinquent payment within that notice period, service shall not be terminated.

F. Once a deferred payment agreement has been established, if the customer's financial conditions significantly change and the existing payment works a hardship, the utility shall renegotiate the payment agreement, consistent with the provisions of Rule 4.8.1.a.3.A. However during the renegotiation period the customer must timely pay the current bill and make some payment on the arrearage.

4. For the purposes of this rule, the following circumstances shall be deemed to constitute a period when termination of service would be especially dangerous to the health or safety of a member of the customer's household (by way of explanation and not limitation):

A. Written certification from a licensed physician that termination of service would be especially dangerous. Such certification must be received by the utility within 10 days after the utility informs the customer of the circumstances set forth in Rule 4.8.1.a.4, and must be renewed every thirty days, starting from the date the certification is sent to the utility; however, the certification need not be renewed if a licensed physician can state to a reasonable degree of medical certainty that the condition is permanent.

B. The time period running from the first day of December through the last day of February;

C. The presence of electric or gas energy using life-supporting equipment such as kidney dialysis machines, iron lungs, etc.

The utility will inform the customer of these circumstances at the meeting between the customer and the designated managerial employee, authorized in Rule 4.8.1.a.2.

5. Service shall not be discontinued at any time to a residential customer who is sixty-five years old or older, without first making contact with a near relative or responsible third party and unless the customer refuses to agree to a reasonable deferred payment schedule. This rule shall also apply to any customer regardless of age who is physically, mentally or emotionally incapacitated.

6. Service shall not be discontinued on a day on which the utility's business office is not open to accept payment or on a day proceeding a day on which the utility's business office is not open to accept payment; or on a Friday, Saturday or Sunday. Service shall be reinstated within eight hours or less after receipt of payment.

7. Service shall not be discontinued earlier than 8:00 a.m. nor later than 4:00 p.m.

8. The utility shall accept payment at the customer's premises in lieu of discontinuing service.

9. A utility may terminate service without notice when, absent such termination, a condition hazardous to life or property would exist. If a utility terminates service without notice: (1) it must keep a record of the conditions causing the termination and (2) it should make a reasonable effort to notify the customer prior to termination and shall inform the customer of the steps which must be taken to have service restored.

10. If the customer of record responsible for payment of a utility bill is: (a) a landlord of a master metered apartment building, motel, hotel, or other multiple unit dwelling, or (b) a third party who is a non-resident of the single service location, then written notice of termination, using Form 14-ME, shall be posted at least five (5) days prior to the scheduled termination. The notice for a master metered multiple unit dwelling shall be placed in a conspicuous common area at a location readily available for public inspection. Whenever possible, copies shall also be posted on the main doors of each dwelling in the facility. The notice for single unit dwellings occupied by third parties shall be placed on the main door of the dwelling.

11. The Commission may waive the application of any provision of this rule if it is demonstrated that the operation of any such provision will result in an undue hardship to the utility or the customer. This provision is to be invoked only in exceptional cases and shall not be used to attempt to gain a general waiver of the application of the entire rule by either the utility company or the customer.

12. Only Rules 4.8.1.a.1; 4.8.1.a.2; 4.8.1.a.6; 4.8.1.a.7; 4.8.1.a.8; 4.8.1.a.9; 4.8.1.a.10; and 4.8.1.a.11 shall apply to commercial and industrial customers of any

of the utilities covered by this rule, except that conditions (d) and (e) of Rule 4.8.1.a.2 shall not apply to commercial or industrial customers.

13. A utility may petition the Commission to waive the personal contact requirement of this rule only after it has made at least three (3) attempts at personal contact. At least one of the attempts at personal contact must be an on-site visit at the service location. The utility shall leave an appropriate door hanger with relevant information in the event the on-site visit fails to accomplish personal contact. At least one attempt must be after normal working hours of 8 a.m. to 6 p.m. A telephone call may be used as an after hours personal contact attempt.

14. A bill which has been found to be contractually uncollectible by a Court or could reasonably be found to be uncollectible by reason of the Statute of Limitations shall not be used by a utility to deny or discontinue service.

4.8.2. Charge for reconnection -- Whenever utility service is terminated pursuant to Rule 4.8.1. above, the utility may make a charge of five dollars (\$5.00) for reconnection of service, unless otherwise provided for in an effective tariff on file with the Commission.

4.8.3. Definitions -- for the purposes of this rule, the following definitions shall apply:

a. Delinquent bill -- A bill becomes delinquent if not paid in full, within thirty (30) days after becoming due.

b. Due bill -- A bill is due when rendered.

c. Payment -- Payment is made by cash, check, money order or Department of Welfare voucher. Payment made by personal check may be refused if, within the past twelve (12) months, a check from the customer has been returned for insufficient funds.

d. Personal contact -- Personal contact includes both face-to-face meetings and telephone calls with a responsible adult member of the household. This requirement is **not** satisfied by attempts to contact.

e. Utility service -- Utility service means service provided by any electric utility subject to the jurisdiction of this Commission to any customer of said utility, unless Rule 4.8. clearly indicates a different meaning.

4.8.4. Insufficient reasons for disconnecting service -- The following shall not constitute sufficient cause for refusing, denying or discontinuing service to an applicant or present customer:

Delinquency in payment for service by a previous occupant of the premises to be served other than a member of the same household.

4.9. Refusal to serve applicant.

4.9.1. Non-compliance with rules and regulations -- Any utility may decline to serve an applicant until he has complied with the State and Municipal regulations governing electric service and the approved rules and regulations of the utility.

4.9.2. Applicant's facilities inadequate -- The utility may decline to serve an applicant if, in its judgment, the applicant's installation of wiring or electrical energy consuming equipment is regarded as hazardous or of such character that satisfactory service cannot be given; however, in no event shall the utility be under any obligation to inspect the wiring or appliances of the customer.

4.9.3. Applicant's recourse -- In the event that the utility shall refuse to serve an applicant under the provisions of this rule, or any other rule incorporated herein, the utility must inform the applicant of the basis of its refusal, and that the applicant may appeal to the Commission for decision.

4.10. Change in character of service.

Prior to making any substantial change in the character of service furnished to any customer, which would affect the efficiency of operation, adjustment, or speed of the equipment or appliances of any customer, the utility shall notify any customer who may be affected. No change in the character of service being rendered may be made, on account of which an expense may be incurred by an existing customer, unless an agreement is secured from such customer and a complete understanding is had of the allotment of such costs as may be incurred.

4.11. Access to property.

4.11.1. The utility shall at all reasonable times have access to meters, service connections and other property owned by it on customer's premises, for the purpose of maintenance and operation. Neglect or refusal on the part of customers to provide the utility reasonable access to its meters, service connections, and other property for the above purposes shall be deemed to be sufficient cause for discontinuance of service on the part of the utility.

4.11.2. Identification of employees -- Every employee, whose duties regularly require him to enter the homes of customers shall wear a distinguishing uniform or insignia, and shall carry on his person an identification card, which will identify him as an employee of the utility. The identification card shall contain a photograph of the employee and the telephone number of the utility as well as other pertinent information necessary to identify the employee. All other employees, whose duties require occasional entry into the homes or premises of customers shall carry an identification card containing the information herein required.

4.12. Service interruptions.

4.12.1. Record -- Each utility shall keep a record of Sustained Interruptions of service. These records shall include: the date and time of the interruption, the duration of the interruption, the number of customers interrupted, the substation identifier, and the line or feeder identifier. Records of Major Events shall also be maintained. Utilities shall maintain such records for a minimum of five years.

4.12.2. Notice required -- Insofar as is practical, every customer affected shall be notified in advance of any planned work which will result in interruption of service expected to last two (2) hours or longer, but such notice shall not be required in case of interruption due to emergencies, accidents, acts of God, public enemies, or strikes, which are beyond the control of the utility.

4.13. Sale of electric energy.

No utility shall sell electric energy to any customer except at the rates shown in the tariff or contract of the company filed with the Commission for the class of service furnished.

4.14. Resale of electric energy.

Electric energy shall not be furnished by a public utility to any customer for resale, unless the customer is engaged in the business of distributing electric energy as a public utility.

4.15. Residential conservation service program.

4.15.1. A public utility subject to the jurisdiction of this Commission and to which Part 1, Title II of the National Energy Conservation Policy Act (Pub. L. 95-619, 92 Stat. 3206 et seq.), as amended by the Energy Security Act (Pub. L. 96-294, 94 Stat. 611 et seq.) (hereinafter NECPA), if applicable may recover reasonable costs associated with the implementation of the utility program under NECPA in the following manner:

a. All amounts expended by a public utility for providing information under subsection (a), Section 215 of NECPA are to be treated as a current expense of providing utility service and charged to all ratepayers of such utility in the same manner as current operating expenses of providing utility service.

b. All amounts expended by a public utility to carry out subsection (b), Section 215 of NECPA, by conducting or causing to be conducted a Class A Energy audit, for a particular residential customer may be recovered directly from the residential customer for whom the activities are performed: Provided, That the amount recovered from said residential customer for whom the Class A Energy audit described in subsection (b) is performed shall not exceed a total of fifteen dollars (\$15.00) per dwelling unit or the actual cost of such activities, whichever is less.

c. All amounts expended by a public utility to carry out subsection (b), Section 215 of NECPA, including a Class B Energy audit, which are not recovered directly from the residential customer for whom a Class B Energy audit or the activities described in said subsection (b) are performed, and all administrative and general costs incurred by a public utility in carrying out a utility program under NECPA, including Class B Energy audits, may be recovered by the utility as a current expense of providing utility service and charged to all ratepayers of such utility in the same manner as current operating expenses of providing utility service.

d. All amounts expended by a public utility for labor and materials for the purchase or installation of any residential energy conservation measure under Section 215 of NECPA shall be recovered from the residential customer for whom such purchase or installation is performed.

4.16. Reduced rates for low income residential customers.

4.16.1. Tariff filings --

a. Within fifteen (15) days of the adoption of this rule, every public utility, other than a municipality or cooperative electric utility, which provides electric service to residential customers within the State of West Virginia subject to regulation by the Commission shall submit new tariff sheets, or an amendment or rider to its existing tariff sheets, to the Commission for its approval. Each utility's new tariff sheets, or amendments or rider to existing tariff sheets, shall contain a new Special Reduced Rate Residential Service rate schedule ("SRRRS rate schedule"), or Special Reduced Rate Residential Service amendment or rider ("SRRRS amendment or rider"), applicable to electric service provided during the billing months of December, January, February, March, and April to residential customers who qualify for special reduced rates under the provisions of W.Va. Code §24-2A-1: Provided, however, That a public utility shall not be required to file new tariff sheets under this rule if the utility has submitted new tariff sheets, or an amendment or rider to its existing tariff sheets since April 4, 1984, which contain new Special Reduced Rate Residential Service rate applicable to the billing months of December, January, February, March and April, and said tariffs have been approved by the Commission and are consistent with provisions of this rule.

b. The rate(s) charged for service under each SRRRS rate schedule, or amendment or rider, of a utility shall be twenty percent (20%) less than the rate(s) charged for the same service under that utility's standard residential rates. This twenty percent (20%) discount shall apply to customer charges, minimum charges, usage charges, and any charges based on usage during the specified billing month(s) for which customers are eligible to receive the special reduced rates. If a customer is eligible to receive service under an SRRRS rate schedule and the customer is paying bills in accordance with the utility's budget payment plan, the customer shall be credited during any billing month for which the customer is eligible for the special reduced rates with the twenty percent (20%) discount based on the customer's actual usage during that billing month, regardless of the amount of the customer's budget payment plan bill.

c. The terms and conditions of service under each SRRRS rate schedule, or amendment or rider, offered by a utility shall comply with all relevant requirements and conditions set forth in W.Va. Code §24-2A-1, insofar as such requirements and conditions are applicable, and shall conform in all other respects to the terms and conditions under the utility's standard residential rate schedule.

d. Each utility required to offer special reduced rates under W.Va. Code §24-2A-1 shall maintain tariff sheets, or amendments or riders to existing tariffs, which contain Commission-approved SRRRS rate schedules, amendments or riders. No modification may be made to such tariffs, amendments or riders without prior Commission consent.

4.16.2. Utility's responsibility upon application for special reduced rate -- Each utility offering special reduced rates shall accept applications for service under such rates from:

- a. any current customer, and
- b. any person who subsequently becomes a customer in his/her own right who makes such application in accordance with rules adopted by the West Virginia Department of Human Services pursuant to W.Va. Code §24-2A-1(b). However, if an SSI, AFDC, AFDC-U or food stamp recipient is living in a household which is served under the name of a person living in that household who is not an SSI, AFDC, AFDC-U or food stamp recipient, that service may not be changed subsequent to March 12, 1983, to the name of the SSI, AFDC, AFDC-U or food stamp recipient in order to qualify for service under the special reduced rates: Provided, That nothing in this section shall cause a utility to deny extension of special reduced rates to any customer on the basis that the customer is not a recipient of aid under any eligible program when said customer is:
 1. A member of the support group or payment group receiving aid under AFDC or AFDC-U, as determined by the Department of Human Services; or
 2. A member of the support group or payment group receiving food stamps, as determined by the Department of Human Services, and is over sixty (60) years of age; or
 3. The spouse of a person who is over sixty (60) years of age and a recipient of food stamps; or
 4. The spouse of a person who receives Social Security Supplemental Security Income (SSI), or
 5. Otherwise determined to be eligible to receive such special reduced rates.

c. For the purpose of applying special reduced rates under W.Va. Code §24-2A-1, et seq., a person shall be determined to be a customer of a utility if the person is a member of a household receiving electric service and such service is provided in that person's name. However, if the person in whose name electric service is provided is verified to no longer be a member of the household for reasons which include death or divorce, the customer shall be determined to be any person residing in the household receiving electric service who could be held to be legally accountable or is considered by the utility to be responsible for all or a portion of the utility bill. Verification that the person in whose name service is provided is no longer a member of the household shall be provided by presentation of a death certificate, divorce papers or other reliable documentation or by verification from the Department of Human Services.

d. Each utility offering special reduced rates shall maintain documentation regarding the resolution of individual applications for special reduced rates. The information contained in said records shall include names, addresses or other information which adequately identifies the applicant, the date on which the individual application was tendered to the utility, and the utility's determination with respect to the application.

e. After any period (including a period during which special reduced rates are not in effect) during which a customer does not receive service under an SRRRS rate schedule, or amendment or rider, that customer must reapply in order to receive service under such a rate schedule, or amendment or rider.

4.16.3. Provision of service under special reduced rate --

a. In determining whether an applicant is eligible to receive special reduced rates, a utility is entitled to rely on the information which is provided to it directly or indirectly by the West Virginia Department of Human Services.

b. Each utility offering special reduced rates shall use due diligence to reflect charges thereunder on the bills it renders to customers entitled to service under such rates. However, no utility shall be required to alter the timing of its meter-reading or billing schedules, but may make adjustment to subsequent bills to correct billing errors or to reflect the effects of a customer beginning, continuing, or ceasing to be entitled to receive service under the special reduced rates.

4.16.4. Certification of deficiency --

Once a year, beginning in the year 1984, each utility offering special reduced rates may make application to the Commission for a determination and certification of the revenue deficiency which it has experienced as a result of offering service under the special reduced rates instead of under the utility's standard residential rates. Each such application should contain sufficient information to enable the Commission to determine the revenue deficiency experienced by the utility making the application. This information shall include a comprehensive monthly report of the utility's disposition of the applications received and the resulting revenue deficiency for each month by completion of attached PSC WVA Form 214.6A

and a summary report for the entire certification period by completion of attached PSC WVA Form 214.6. All information submitted for determination and certification of a utility's revenue deficiency shall be verified by the utility to be true and accurate to the best of its knowledge and information. Each determination and certification of a revenue deficiency shall be issued in the form of a final order.

4.16.5. Notice to customers --

It shall be the responsibility of the utilities to adopt policies for providing notice to their customers of the availability of and advantages of the discount program.

The utilities shall be required to provide notice to their customers at least once each fall prior to the winter heating season, concerning the availability of the discount program.

The notice shall state in bold face type that the customer must reapply each year to obtain the discount program benefit.

4.17. Notice to landowners of right-of-way clearing activity --

4.17.1. Authority -- The provisions of Rule 4.17. are promulgated under the authority and requirements of W.Va. Code §61-3-48. These provisions do not apply to the aerial application of herbicides.

4.17.2. Definitions -- As used in Rule 4.17, the term:

a. "Written permission" means the permission of a landowner to a public utility to perform right-of-way clearing or maintenance pursuant to a contract with the landowner or his or her predecessor in title, such as an easement, franchise, permit, or by other operation of law.

b. "Right-of-way clearing or maintenance" means to cut down, trim, and/or otherwise control, or to cause to be cut down, trimmed, and otherwise controlled trees and other vegetation.

c. "Routine" means planned or scheduled in the normal course of operation.

d. "Sudden emergency" means a condition endangering persons or property of a landowner, an occupant of land, a public utility or the general public, as well as a condition endangering the provision of utility service.

e. "Reasonable notice" means

1. In the case of routine right-of-way clearing or maintenance, personal contact with the owner of the property on which such clearing or

maintenance is to be performed: Provided, That should such personal contact not be possible due to lack of structures for habitation on the property, or unavailability those properties shall be included in a Class I legal advertisement in a newspaper of general circulation in the county to be affected by the clearing or maintenance; or

2. In the case of right-of-way clearing or maintenance resulting from a sudden emergency, the utility shall issue a news release. After the sudden emergency is over and the necessary clearing is complete, the utility shall publish the notice regarding the properties in a Class I legal advertisement in a newspaper of general circulation in the county where the property is located.

f. "Personal contact" means, at least seven (7) business days prior to the scheduled-clearing or maintenance, an attempt will be made to contact the property owner or tenant by telephone or in person. Should the attempt be unsuccessful, a door hanger or similar type of written notice will be left at the residence which contains the information detailed in Rule 4.17.3. A second personal contact attempt will be made prior to the start of work. Should contact made be with a tenant, the utility shall either actually contact the owner before beginning work or publish the notice regarding the property as discussed in 4.17.2.c.1.

4.17.3. Notice in case of written permission -- If an employee, agent or contractor of a public utility has written permission to perform right-of-way clearing or maintenance, the employee, agent or contractor shall provide the landowner with reasonable notice which shall include:

- a. A description of the area(s) in which the right-of-way clearing or maintenance is performed;
- b. An approximate schedule of work;
- c. A description of the type(s) of work to be performed, including but not limited to tree trimming, tree removal, brush cutting, herbicide application, growth regulation, slash disposition;
- d. A general description of clearances required or rights-of-way widths to be maintained; and
- e. The name and telephone number of a contact person at the utility.

4.18. Registry of electric customers on life support, notification prior to scheduled outages, and priority of service restoration.

4.18.1. Each utility shall establish and maintain a registry of persons within their service areas that are dependant upon life support systems which require electric service to function.

4.18.2. The registry will be updated by the utility at least every six months.

4.18.3. Each utility shall inform all new customers of the registry and its purpose.

4.18.4. Each utility will provide a reasonable notice of planned power outages to each affected residence or customer on the registry.

4.18.5. To the extent practical given the scope and nature of a power outage, each utility shall organize service restoration to give priority to customers listed on the registry.

4.18.6. For purposes of this rule, the term "life support system" means a kidney dialysis machine, mechanical ventilation device or other medical device, the use of which is prescribed by a licensed physician and upon the request of the patient, is certified by the physician in writing to the electric utility as necessary to sustain critical body functions and without which a person is in imminent risk of death.

§150-3-5. Engineering Requirements.

5.1. Standard practice.

5.1.1. National Electrical Code -- Insofar as the National Electrical Code, as approved by American National Standards Institute, defines and establishes Standard Practice, it is the purpose of the Commission to be guided by the current edition of that "Code", except those changes that may be noted in the current Rules and Regulations of this Commission from time to time.

5.1.2. National Electrical Safety Code -- For practice not covered by the National Electrical Code the Commission will take as a guide the current edition of the National Electrical Safety Code, American National Standards Institute Publication (ANSI-C2), issued by the Institute of Electrical and Electronic Engineers.

5.1.3. Institute of Electrical and Electronic Engineers' Guide for Electric Power Distribution Reliability Indices ("IEEE 1366") -- Insofar as the most recently published, current IEEE 1366 defines and establishes reliability guidelines, the Commission will be guided by the current edition of the IEEE 1366, except for those changes that may be noted in the current Rules and Regulations of this Commission from time to time.

5.1.4. Utility plant -- The entire plant of any electric utility shall be constructed, installed, operated, and maintained in accordance with accepted standard practice as defined in this Rule, especially the following:

- a. Buildings and other structural facilities.
- b. The generating plant equipment.

- c. Transmission lines and equipment.
- c. Substations.
- e. Distribution lines and equipment.
- f. Overhead system, poles, lines, transformers and associated equipment.
- g. Underground system, manholes, conduit, and cables.
- h. Street lighting system.
- i. Service wires and attachments.
- j. Meters and instruments.

5.2. Adequacy of facilities.

5.2.1. Generating -- The electrical generating capacity of any utility's plant, including that of any equipment reserved for emergency use, peak load or other requirement, supplemented by electric power regularly available from outside sources by transmission line connections must be sufficiently large to meet all normal, as well as reasonable emergency demands, for service occurring during any or all hours of the day during which the plant is normally in operation.

5.2.2. Distribution -- The transmission system shall be so designed, constructed, maintained and operated as to enable each electric utility to supply its customers at a standard or nominal voltage within the variation limits prescribed in Rule 7.2.

5.3. Interstate operation.

5.3.1. Export -- Where an electric utility transmits energy out of the State, the Company shall accurately meter and record the flow of such energy.

5.3.2. Import -- Where electric energy is imported into the State by a utility a record shall be maintained of that energy taken either from billing records or its own meters.

5.3.3. Exception -- Where small distribution lines cross State boundaries the interstate energy may be estimated, based upon adjusted customer meter readings.

5.4. Pole identification.

5.4.1. General -- Each utility owning poles, posts, or other structures supporting wires shall, except as provided in paragraph (4), mark every structure with:

a. The initials or abbreviation of its name, corporate symbol or other distinguishing mark by which the owner of every such structure may be readily determined.

b. In case of lines operated at voltage above 15,000 volts, the number by which the location of each structure may be described.

c. The requirements herein shall apply to all existing structures and those hereafter erected and to all changes in ownership.

5.4.2. Methods -- Such marks shall be made with paint, stamps, brands, plates or other satisfactory method as the utility may elect to use, and characters of the mark shall be of such size and so spaced and hereafter maintained as to be easily read from the surface of the ground at a distance of six feet from the structure.

5.4.3. Joint use -- In case two or more utilities jointly own or use any such structures, the distinguishing mark of every utility shall be placed thereon.

5.4.4. Private rights-of-way -- In case of structures erected on private rights-of-way, or on public highways, when of a character that the construction may be deemed to be a through line, such marks need be affixed only to structures so located that the identification can be readily observed from the highway; not more than every tenth pole need be so identified.

5.4.5. Filing method -- Each utility shall file with the Commission, in duplicate, a statement showing (1) the initials, abbreviations of name, corporate symbol or distinguishing mark; (2) the means of marking to be employed; (3) the method intended to be followed in numbering structures upon through lines.

5.4.6. Pole tags -- Each utility shall in the future mark each such pole, post or other structure used for supporting electrical conductors with "pole tags" or other approved devices which will be used to indicate the location of said pole, post or other structure.

5.5. Extensions of lines.

5.5.1. Urban extensions -- All utilities shall build at their own expense along public streets, alleys, highways or company's rights-of-way, extensions to distribution lines in urban areas upon at least as favorable terms as they make rural extensions.

5.5.2. Rural extensions -- All rural extensions shall be made in accordance with the utility's tariff on file with the Commission or the Commission's latest order governing such extension if no such tariff is on file.

5.6. Service connections.

5.6.1. Meter -- No utility shall make any charge for furnishing or installing a watt hour meter or meters, or other devices necessary to the utility to measure the service furnished to the customer.

5.6.2. Service drop -- In all cases the utility shall pay the entire cost of connecting its distribution line by aerial service drop to the customer's service outlet.

a. When the distance from the utility's distribution line to the customer's service outlet is in excess of 125 feet, or, where the customer's outlet for any reason is inaccessible to the utility, the cost of such special construction as may be found necessary shall be borne by the customer.

b. Nothing contained herein shall be construed so as to prohibit a utility from making at its expense, greater extensions to its facilities than set out herein, should its judgment so dictate, provided like extensions are made to other customers under similar conditions.

5.6.3. Transformers -- In no case shall a utility furnishing alternating current charge the customer for transforming apparatus, unless the charge so made is by mutual agreement to cover special conditions of service, by contract, or to furnish a voltage other than the standard secondary distribution voltage established by the utility.

5.6.4. Underground -- Underground service requirements and regulations shall be established by each utility having such class of service facilities and shall be submitted to the Commission for its approval.

5.6.5. Devices and material -- All devices and material furnished by the utility at its own expense shall remain the property of the utility and may be removed by it at any reasonable time after the discontinuance of service or in case of renewal or replacement.

5.6.6. Exceptions -- Nothing in the foregoing Rule shall prevent the utility from making such charges as are prescribed for electric service in its filed tariffs, including those for seasonal or temporary service.

5.7. Lighting.

5.7.1. Incandescent --

a. Each utility supplying electricity for incandescent lighting shall inform its customers, on request, of its standard voltage as defined in Rule 7.1, in the particular community in which they live, so that they may be enabled to purchase the most efficient lamp for their particular conditions.

5.7.2. Gaseous Tube --

a. No customer, after the effective date of these Rules, shall connect to the lines of the utility any fluorescent lighting, mercury vapor lamps, neon or zeon signs or other lighting or display facility having similar low power factor, unless such fluorescent mercury vapor lamp, neon, zeon, or other lighting equipment with similar load characteristics, shall have installed, by the customer, in connection therewith, such auxiliaries or other means designed to correct the power factor of such equipment to not less than ninety percent (90%) lagging, except that where the rate schedule, applicable to the customer's service, contains suitable power factor provisions, this Rule shall not apply.

b. This rule shall apply on all future additions made to old installations that were installed prior to the effective date of these Rules and to such prior installations in their entirety in the event of rearrangement, relocation, or replacement thereof.

5.8. General Reliability Provisions.

5.8.1. Internal Procedures -- Each utility shall adopt internal procedures to satisfy the reliability requirements contained herein which shall be submitted to the Commission for review.

5.8.2. Reliability Index Targets --

a. Minimum and optimal targets for SAIFI, CAIDI, SAIDI and, if applicable, MAIFI indices shall be established by the utility for its Service Area, and submitted to the Commission for approval. The utility will make the first filing of these reliability targets one-hundred-twenty days following the initial effective date of Rule 5.8.2. The Commission may approve the targets as filed or modify one or more of the targets. Thereafter, a utility may request that these targets be established by the Commission for the utility's Service Areas. Subsequent changes and/or modifications of these targets shall be filed with the Commission for approval by application of the utility, petition by an interested party, or on the Commission's own motion. Any utility application to modify targets must be filed on or before May 1 of each year.

b. Minimum targets shall be considered as the lowest performance threshold of adequate service.

c. Optimal targets shall be considered as the fully adequate level of service that the utility should strive to achieve and maintain.

d. Interruptions caused by Major Events are not included in the calculation of Reliability Indices.

5.8.3. Failure to Meet Minimum Targets -- Failure to meet minimum targets shall be considered unacceptable. When a Service Area fails to meet one or more of the established minimum targets, the utility shall include in its annual reliability report to the Commission, a description of the problem patterns and trends, a history of the operation and maintenance

activities within the Service Area, and the corrective actions the utility is taking to improve reliability to the Service Area in question.

5.8.4. Additional Reporting -- The Commission may require a report on reliability in a Service Area that meets the minimum reliability target levels under circumstances where the Commission determines that a negative trend has developed, prior corrective actions have not improved reliability as expected, or for other reasons.

§150-3-6. Inspections and Tests.

6.1. Meter testing facilities and equipment.

6.1.1. Meter test shop -- Each utility furnishing electric service shall provide such laboratory, meter testing shop, instruments and equipment as may be necessary to determine the accuracy of its customers' meters, as required by these Rules. A utility desiring to have tests made by another utility or agency may, upon application to the Commission, be relieved of the requirement to own and operate testing equipment, upon condition that the proposed arrangements for tests meet with the Commission's approval.

6.1.2. Measurement standards -- All meter measurements standards shall be calibrated in accordance with national measurement standards traceable to the Bureau of Standards, and all standards owned by the utility for meter measurement purposes shall be recalibrated to such national standards not less frequently than annually.

6.2. Meter test records.

6.2.1. Reporting --

a. All "As Found" and "As Left" (where applicable) tests for accuracy shall be recorded so that the average accuracy can be calculated as specified in section 6.4.

b. The test records shall be so kept that they may be readily inspected and checked by the Commission's representative.

6.2.2. Meter records --

a. All meters shall be identified by either a utility assigned number or by the use of the manufacturer's serial number.

b. Suitable records of each meter shall be kept which will show identifying number, location, type and size.

6.2.3. Reports to Commission -- Each utility shall also make monthly or quarterly reports, in accordance with the requirements of the Commission, on Form E.D. No. 2 or such other form as may be prescribed, of meter tests, number of customers and amount of refunds.

These reports must be filed not later than thirty (30) days after the expiration of the period covered by the reports.

6.3. Sealing meters.

All meters tested to comply with these rules shall be sealed by the metering technician performing the work. The seal shall be of a type acceptable to the Commission. Those utilities using a compression type lead seal shall have as a sealing tool a device furnished with dyes which shall bear the initial of the utility. Utilities using a snap tin type seal shall have the seal stamped in a similar manner.

6.4. Accuracy requirements for watthour meters.

Meter Testing Requirements specified in the most current edition of the American National Standard for Electricity Meters (ANSI C12.1 shall apply unless noted.

6.4.1. Installation accuracy --

a. New meter devices shall be 100% tested by either the utility or the manufacturer. If the new metering devices are 100% tested by the manufacturer, then the utility shall sample test those devices in accordance with the ANSI/ASOC Z1.9 (Mil Std 414) Standard.

All meters being returned to service, once removed from service, should be tested before being returned to service, unless

1. a meter is being transferred from a temporary service to a permanent service at the same premise, or
2. the meter is the manufacturer's latest single-phase model- or series-type and,
 - A. the meter is not damaged or in need of repair and,
 - B. the register can easily be read through the cover and,
 - C. the meter's seal is intact and no evidence of tampering is present.

b. All tests provided for in this rule shall be made at the place of permanent location of the meters on the customer's premises or in a mobile testing unit or in a suitable meter testing site, including the utility's meter testing shop.

c. No final tests or checking of any customer's watthour meter, or other device employed to measure in any way the service furnished to a utility's customer, shall be

made by other than an employee or agent of the utility who has been qualified by the utility, and certified by the Commission to do such work or a meter manufacturer.

d. The custom sometimes followed in the past of putting a meter in service without adjusting it, if it is found to be less than two percent (2%) in error, is not satisfactory. It is required that meters be adjusted to the highest degree of accuracy commercially practicable before installation. A tolerance of one percent (1%) fast or slow is sufficient for any utility which carefully supervises its meter shop. With such tolerance, meters will start in service as nearly correct as it is practicable to have them. It is possible to set all but a very few old type meters within one-half percent ($\frac{1}{2}\%$) of one hundred percent (100%) percent accuracy, and these older styles can be set within one percent (1%) of one hundred percent (100%) accuracy. It shall be understood that the allowance of this variation from one hundred percent (100%) accuracy does not mean that the meter be set in error by this amount; the tolerance allows only for the unavoidable irregularity of the work on a commercial scale, and the average of the errors should be practically zero, substantially as many being slightly slow as are slightly fast. Polyphase meters shall be so adjusted at full rated test current and fifty percent (50%) lagging power factor within a tolerance of two percent (2%) fast or slow when tests are made in laboratory.

6.4.2. Load definition -- Light load shall be approximately five (5) to ten (10%) percent of rated test current. Heavy load shall be not less than sixty-five percent (65%) nor more than one hundred ten percent (110%) of rated test current. When, however, operating conditions are such that the greater portion of the consumption is recorded at a point possible of determination, the test for heavy load should be at that load level.

6.4.3. Meter test loads --

a. Meters, upon customer's complaint or request, should be tested at two (2) points, namely, light load or approximately ten percent (10%) of rated test current, and at heavy load or from sixty-five percent (65%) to one hundred ten percent (110%) of the rated test current of the meter.

b. The final average accuracy of tests shall be determined as equal to the weighted average of the percentage registration at light load (LL) and at full load (FL), giving the full load registration a weight of four. Thus, average (or weighted) percentage accuracy = $(4FL + 1LL) \div 5$

c. For meters tested by a manual test method, at least two (2) tests shall be made at each load, but should they fail to agree within one percent (1%), additional tests shall be made until consistent results are obtained which do not vary one from another by more than one percent (1%).

d. A watt-hour meter shall be considered as creeping when, with potential coils energized, but with the load side disconnected, the disc makes one complete revolution in five (5) minutes or less.

6.4.4. Test - how made --

a. All tests to determine the accuracy of registration of any watthour meter shall be made with a suitable portable watthour meter standard or with other proper instruments.

b. The recommended method of testing service type meters is by the use of a suitable portable watthour meter standard. In making such tests the following general method is recommended.

c. The number of disc revolutions used to determine the accuracy of a watthour meter in service shall depend on the test point being determined. In order to eliminate the personal errors inherent in the manual starting and stopping of the reference meter or observing indicating instruments, the time shall not be less than that required to make ten (10) revolutions at the full load point of the moving element of the meter being tested. When suitable devices are employed to automatically start and stop the reference meters in such a manner as to eliminate personal errors, the above number of revolutions may be reduced.

d. Attention is here drawn to the method of determining the error in registration of past consumption as set out in Rule 4.4. That is, the error is, the registration of past consumption divided by the percent accuracy and not registration multiplied by the percent error.

6.5. Accuracy requirement for demand meters.

Demand meters must be adjusted to meet the following accuracy requirements on installation and after periodic or any other test.

6.5.1. Curve drawing instruments --

Electrical elementError shall not exceed two percent (2%) of full scale deflection.

Timing element (rate) 0.25 percent.

6.5.2. Integrated-demand meters --

Electrical element Tolerance specified in Rule 6.1., watthour meters.

Timing element Where the timing element serves only to measure the demand interval, it should be adjusted if its rate is more than plus or minus two percent (2%) in error. Where the timing element serves also to keep a record of the time of day at which the demand occurs, it should be adjusted if its average rate is more than plus or minus 0.25 percent in error.

6.5.3. Lagged-demand meters --

Electromagnetic type two percent (2%) of full-scale deflection.

Thermal type four percent (4%) of full-scale deflection.

6.6. Periodic test.

6.6.1. Watthour meters -- All watthour meters installed by the utility for the determination of customer's use of electrical energy shall be tested to insure continued reliability and commercial accuracy of the entire meter system in a manner acceptable to the Commission. Two methods designated A and B are recognized by the Commission for the purpose of scheduling watthour meters for periodic testing. See ANSIC12.1-1995, Appendix D, or the most current edition of the applicable ANSI standard.

a. Method A -- A sampling procedure acceptable to the Commission may be used in the selection of single phase meters for test each year and other types of meters may be sampled in lieu of periodic testing after the utility submits a sampling plan for non-single phase meters and approval is granted. The meters in a statistical sampling plan based on ANSI/ASOC Z1.9 (MIL std 414) shall be grouped into homogeneous lots, such as by manufacturer and type. Each lot shall contain meters manufactured within a consecutive time period and such lots are subject to review and approval as part of the submitted sampling procedure.

b. Method B -- The electric utility may test its watthour meters according to ANSIC12.1-1995, Appendix D, or the most current edition of the applicable ANSI standard.

6.6.2. Demand meters. -- Periodic tests should be made with sufficient frequency to insure continued reliability and commercial accuracy of the demand meter as a whole. The proper periodic test interval will depend upon the inherent reliability of the associated watthour meter.

Class 1. Curve drawing meters, except thermal: one (1) year.

Class 2. Thermal type meters, both curve drawing and indicating: same as schedule for associated watthour meters.

Class 3. Integrated demand meters, and lagged demand meters: same as schedule for associated watthour meters.

6.6.3. Meters with instrument transformers -- Where instrument transformers are used, the rated capacity of the meter is considered to be that of the complete metering installation and is determined by taking into consideration the ratio of the instrument transformers.

6.7. Complaint test.

6.7.1. Procedure -- Upon formal written application to the Public Service Commission by a customer, a test supervised by a qualified representative of the Commission, shall be made upon the customer's meter. The utility owning the meter shall be notified that such a test is to be made and shall have a representative present to perform the test at the direction of the Commission's engineer. A report giving the results of the test shall be made to the customer and the company and a complete record of the test shall be kept by the Commission. A representative of the customer may be present when the complaint test is made.

6.7.2. If a customer requests that a complaint test be made more frequently than once every twenty-four (24) months, and if the meter shall be found to register incorrectly to the customer's prejudice not more than two percent (2%) fast, the customer shall pay the utility the cost of making such test, in accordance with the utility's Commission-approved tariff.

6.8. Request test.

Each utility furnishing metered electric service shall, without charge, make a test of the accuracy of any electric meter upon request of the customer, provided the customer does not request such tests more frequently than once in twenty-four (24) months. If a customer requests a meter tested more frequently than once in twenty-four (24) months and if such meter shall be found to register not more than two (2%) percent fast, the customer shall pay to the utility the cost of making such test. A report giving the result of each test shall be made to the customer and the complete original record shall be kept on file in the office of the utility for at least five (5) years. The customer or his representative may be present when this test is run.

6.9. Meter testing employees.

6.9.1. General requirement -- Each utility shall have in its employ, or shall have access to, one or more competent employees whose duty it shall be to perform such tests, or to supervise such tests, as may be necessary to determine the accuracy of the utility's meters.

6.9.2. Qualification -- A utility desiring to certify an employee to test meters, or to supervise such tests, must secure a qualification card from the Commission; have same executed by the applicant and returned to the Commission; together with a certification by a responsible representative of the utility as to the facts contained on the card. The Commission will thereupon issue a card to the employee, if the applicant's qualifications are satisfactory, stating that the qualification card has been received and filed, and that the employee is authorized to test meters, or to supervise the testing of meters, of the type shown on the card.

6.9.3. Experience requirement -- No employee of the utility shall perform unsupervised testing and repairing of meters or supervise such tests and repairs, unless he/she has had at least six (6) months experience in an electric meter shop, or equivalent experience, part of which time must have been spent working on the type meter for which authority to test, or to supervise such tests, has been requested. All tests must be made or supervised by an authorized employee.

6.10. Direct current meter installation.

Every direct current commutator type watt-hour meter shall be checked within thirty (30) days after installation, but not before seven (7) days, for correct connections, mechanical condition, proper and suitable location, absence of creep, and accuracy of adjustment at light and heavy load.

§150-3-7. Standards of Quality of Service.

7.1. Standard voltage.

Each utility shall adopt a standard nominal voltage or standard nominal voltages, as may be required by the design of its distribution system for its entire constant voltage service, or for each of the several districts into which the systems may be divided, which standard voltages shall be filed with the Commission.

7.2. Voltage regulation.

7.2.1. Residential or lighting -- The voltage level at the customer's service entrance equipment for a residential customer or a customer using service primarily for lighting shall be maintained between 112 volts and 127 volts on a 120 volt base.

7.2.2. Power --

a. Power -- For service rendered under a power contract or primarily for power purposes the voltage variation shall not exceed ten percent (10%) above or ten percent (10%) below standard voltage at any time the service is regularly furnished.

b. By service under a power contract is meant service furnished principally for industrial purposes. Where a limited amount of lighting (twenty percent (20%) or less by connected load) is permitted to be connected under these contracts, the entire load shall be considered power as far as voltage variation is concerned.

7.2.3. Measurement point --

a. The point where voltage measurements are to be made shall be at the customer's service entrance equipment or at the lamps in the case of multiple street lighting.

b. The utility will be responsible for the voltage delivered at this point if the utility furnishes the service entrance conductors, carries them in its fixed capital account or accepts the responsibility of ownership.

c. If the customer furnishes and maintains the service entrance conductors, proper allowance may be made on any voltage tests if the conductors are not of reasonable size.

7.2.4. Combined light and power -- By contracts contemplating an appreciable consumption or demand for lighting purposes is meant such service as street lighting, residential, commercial lighting, and combined lighting and power. If service is furnished at primary voltage to an ultimate customer under a combined lighting and power contract it is expected that the utility will limit the voltage fluctuation to give proper secondary voltage within the limits prescribed, assuming proper equipment is supplied by the customer.

7.2.5. Voltage variation -- The variation in voltage allowed in all parts of the rule except Rule 7.2.6. means the gradual change in voltage as a result of normal changes in load.

7.2.6. Flicker -- Flicker is defined as frequent and sudden changes in voltage occurring in one (1) second or less and exceeding three percent (3%) of the standard voltage. While occasional voltage fluctuations in excess of that listed above must be expected in the normal operation of a system, continuous flicker will be construed as below standard service, unless such variations are caused by the customer's own equipment.

7.2.7. Emergency service -- A greater variation in voltage than specified in this rule will be allowed for emergency service, but standby service must comply with the rules unless covered by a special contract.

7.3. Voltage surveys.

7.3.1. Instruments -- Each utility shall provide itself with one (1) or more portable indicating voltmeters, and every utility serving more than seven hundred fifty (750) customers shall have available one or more recording (curve-drawing) voltmeters of type and capacity suited to the voltage supplied.

7.3.2. Every utility shall make a sufficient number of voltage surveys to indicate the service furnished from each center of distribution, and to satisfy the Commission of its compliance with the voltage requirements, and those having curve-drawing voltmeters shall keep at least one (1) of those instruments in continuous service at some representative point on its system. This last requirement will be considered to be satisfied in the case of utilities purchasing all of their power requirements if a recording voltmeter is continuously in service at the nearest attended substation of the supplier of the energy. All records shall be available for inspection by the utility's customers, and the Commission or its representative, for a period of at least one (1) year.

7.3.3. Each recording voltmeter shall be checked with an indicating voltmeter when it is placed in operation or when it is removed.

7.3.4. Notations shall be made on each chart to indicate when registration began (time and date) and when the chart was removed, as well as to indicate the point where the chart was checked with the indicating voltmeter.

7.4. Standard frequency.

Each utility supplying alternating current in its distribution system or systems shall use a standard frequency of sixty (60) hertz. This frequency shall be maintained within a band limited by a variation of two percent (2%) below and two percent (2%) above the standard. Should a utility desire to use any frequency other than the "Standard" listed, it may appeal to the Commission for permission to use the frequency desired upon its own distribution system.

7.5. Inductive coordination.

7.5.1. All supply and signal circuits with their associated apparatus should be constructed, operated and maintained in conformity with generally accepted coordinated methods with due regard to prevention of interference with the rendering of either service by adequately limiting in the most convenient and economical manner those characteristics of supply circuits which determine the character and intensity of the inductive field, or those characteristics of signal circuits which determine the extent to which the service they are designed to render is affected by a given inductive field, or both.

7.5.2. Where such coordinated methods are insufficient in any specific case, special adequate coordinated measures determined by cooperative consideration should be applied to the circuits of either or both kinds, to most conveniently and economically prevent the interference.

7.5.3. To facilitate coordination, each party, in advance of any construction or change in the construction or operating conditions of its facilities, should consult with other parties between whose facilities and its own, coordinated measures may be necessary.

7.6. Constant current circuits.

7.6.1. Current variation --

a. Constant current circuits supplying street lights shall be so operated that variation in current does not exceed three percent (3%) above nor three percent (3%) below a standard.

b. The allowable variation in this rule does not imply that street lighting circuits may be set below or above the circuit rating and maintained at this figure.

7.6.2. Service interruptions -- Variations in current in excess of those specified arising from service interruptions caused by the action of the elements and infrequent and

unavoidable fluctuations of short duration due to station operation will not be considered a violation of this rule.