



STATE OF WEST VIRGINIA
 OFFICE OF THE SECRETARY OF STATE
 CHARLESTON 25305

A. JAMES MANCHIN
 SECRETARY OF STATE

STATE REGISTER FILING

I, E. Dandridge McDonald, Chairman,
 Title or Position

Public Service Commission, hereby submit to record in
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- (X) proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- () proposed rules and regulations superseding rules and regulations already on file;
- () notice of hearing;
- () findings and determinations;
- () rules and regulations; or
- () other - specify ()

This filing pertains to

Chapter 24
 Article 2A
 Series IV
 Section 4.16
 Page No. 24

- () proposed rules and regulations are required to go to Legislative Rule Making Committee;
- (X) proposed rules and regulations are excluded from Legislative Rule Making Committee;

FILED IN THE OFFICE OF
 A. JAMES MANCHIN
 SECRETARY OF STATE
 THIS DATE June 15, 1983 WNN
 Administrative Law Division

June 15, 1983
 Date Submitted

E. Dandridge McDonald
 Signature of Person Authorizing
 this Filing

AMENDMENT TO RULES AND REGULATIONS
FOR THE GOVERNMENT OF GAS UTILITIES
AND GAS PIPELINE SAFETY

STATEMENT OF AUTHORITY AND PROPOSED RULES

STATEMENT OF AUTHORITY

These rules are procedural rules as defined in §29A-1-2(g) and (i) of the West Virginia Code. These rules relate to the authority of the Public Service Commission of West Virginia, pursuant to West Virginia Code §§24-1-1, 24-2-1, 24-2-2, 24-2-5, 24-2-7(a), 24-2-8, 24-2-9, 24-2-14, 24-3-1, 24-3-5 and 24-3-7. The Public Service Commission has been directed to issue rules and regulations concerning the subject matter covered by these rules by the Legislature pursuant to §24-2A-1 of the West Virginia Code. Additionally, the Public Service Commission is authorized to issue rules and regulations as may be necessary to carry out the provisions of Chapter 24 of the West Virginia Code, including the Code sections listed above, by West Virginia Code §24-1-7.

ABSTRACT OF PROMULGATION HISTORY

In the recently concluded Legislative session, the West Virginia Legislature passed, on March 12, 1983, Senate Bill No. 117,

effective from passage. Said Bill amends Chapter 24 of the West Virginia Code by adding thereto a new Article 2A. Article 2A requires the Commission to order a special reduced rate schedule for the provision of gas and electric service for the billing months of November, December, January, February and March of each year to certain residential customers. The reduced rate to be established for gas utility shall be twenty percent (20%) less than the rate applicable to other residential customers obtaining similar service. Additionally, Article 2A provides that the Commission shall promulgate rules and regulations to establish standards concerning the continuing eligibility of those customers who qualify for the reduced residential rate schedule.

Rule 4.16 of the Commission's Rules and Regulations for the Government of Gas Utilities and Gas Pipeline Safety addresses such continuing eligibility. This rule is to be promulgated and finally adopted by November 1, 1983, or when the first full winter period begins.

PROPOSED RULES

RULES AND REGULATIONS FOR
THE GOVERNMENT OF GAS UTILITIES
AND GAS PIPELINE SAFETY

SECTION 4.16

STANDARDS REGARDING PROOF OF
CONTINUING ELIGIBILITY FOR
THE RESIDENTIAL REDUCED RATE
SCHEDULE

(1) APPLICABILITY

- (a) These regulations are applicable to all gas utilities in the State subject to the Commission's jurisdiction.
- (b) These regulations shall apply to those residential customers who receive (a) Social Security Supplemental Income (SSI), (b) Aid to Families with Dependent Children (AFDC), (c) Aid to Families with Dependent Children - Unemployed (AFDC-U), or (d) Food Stamp recipients sixty years of age or older. "Customer" is defined as that set forth by Section 1.03(3).
- (c) The residential reduced rate for gas service shall apply only to current customers or to those persons who subsequently become customers in their own right. "Current" customer is defined as any person who is being furnished and billed gas

service by a gas utility at the time of the application for service. If an SSI, AFDC, AFDC-U or food stamp recipient over sixty (60) years of age is living in a household which is served under the name of a non-SSI, AFDC, AFDC-U, or food stamp recipient, that service may not be changed or have been changed subsequent to the twelfth day of March, one thousand nine hundred eighty-three, to the name of the SSI, AFDC, AFDC-U or food stamp recipient in order to qualify for the reduced rate service.

- (d) The reduced residential rate for gas service shall only apply to those qualified customers during the months of November, December, January, February and March of each year.
- (e) This reduced rate shall not be applied to tariffs which apply to residential outdoor lighting.

(2) Rate

- (a) The reduced rate to be charged eligible customers under this Section 4.16 shall be twenty percent (20%) less than the rate applicable to other residential customers obtaining similar service. At no time can the customer claim more than one discount.

(3) Notification

- (a) All gas utilities subject to the Commission's

jurisdiction shall notify all their customers of such reduced rate either by including the notice in bill mailings to customers prior to September 1 of each year, or by separate mailing by September 1 of each year. Such notification shall clearly state those customers who are eligible for the reduced rate.

(4) Burden of Proof

- (a) The burden of proving eligibility for the reduced rate shall be on the customer requesting the service.
- (b) After the notification of the reduced rate by the utility, prior to September 1, of each year, the qualifying customer must establish eligibility for such reduced rate by November 15 of that year. The customer shall be required to qualify for the reduced rate each year as is set forth by Sections (4)(d) and (4)(e) of this rule.
- (c) All gas utilities shall maintain a record of each eligible customer, the basis of the customer's eligibility, and the date the customer's benefits, which qualify him for the reduced rate, expire.
- (d) All gas utilities subject to the jurisdiction of the Commission shall accept as an offer of proof

of customer qualification and eligibility for the reduced rate any one of the following forms of identification which reasonably establishes such qualification and eligibility:

- (i) identification cards for the SSI, AFDC or AFDC-U programs;
- (ii) where eligibility for the reduced rate is to be based solely on being a recipient of food stamps aged sixty (60) or over, eligibility shall be established by a food stamp program identification card and any of the following:
 - (a) valid driver's license;
 - (b) valid birth certificate;
 - (c) Golden Mountaineer Card; and
 - (d) such other reasonable forms of identification, including but not limited to, Social Security Administration records, or government issued medical cards;
- (iii) customers claiming eligibility on the basis of receipt of AFDC or AFDC-U may offer their approval letters or medical cards as proof

of identification. In addition the utility shall verify the customer as being eligible by contacting the County Clerk of the county in which the customer resides and verifying the customer as being on the "active payroll list" for AFDC or AFDC-U.

- (e) For those customers whose eligibility for SSI, AFDC, AFDC-U or food stamps aged sixty (60) or over, expires during the reduced rate period, the utility shall discontinue reduced rate service to that customer and commence, from the date the eligibility expires, to charge such customer the rate applicable to other residential customers obtaining similar service. Customers may reapply for their eligibility upon the receipt of an updated identification card or approval letter. When reapplying, the customer shall prove his qualification by following the measures set forth in Section (4)(d) of this rule.

GENERAL ORDER NO. 214.3

AMENDMENT TO RULES AND REGULATIONS
FOR THE GOVERNMENT OF GAS UTILITIES
AND GAS PIPELINE SAFETY.

Proceeding Upon Commission's Own Motion.

NOTICE OF FILING OF PROPOSED RULES
AND OPPORTUNITY FOR PUBLIC COMMENT

By Order entered on June 15, 1983, proposed rules and regulations were promulgated by the Public Service Commission of West Virginia as proposed procedural rules pursuant to the Commission's obligations under §24-2A-1 of the West Virginia Code. These rules relate to the continuing eligibility of low-income residential customers for the reduced residential rate schedule for gas service. This reduced schedule is applied to gas service rendered in the months of November, December, January, February and March of each year. These rules are being promulgated in accordance with the provisions of the West Virginia Administrative Procedures Act in effect at the time of the filing of the proposed rules in the Secretary of State's Office as the same applies to the Public Service Commission.

Any interested parties desiring to comment on the proposed rules shall do so by filing written comments and/or testimony with the Commission on or before August 1, 1983, directed to:

Public Service Commission
Mr. Howard M. Cunningham
Executive Secretary
State Capitol Building
Charleston, West Virginia 25305

A public hearing concerning this matter will be conducted in the Commission's Hearing Room at the State Capitol Building, Charleston, West Virginia, beginning at 9:30 a.m., Monday, August 8, 1983, and continuing until completed.

Any person who desires a copy of the proposed rule may obtain the same through correspondence to Mr. Howard M. Cunningham at the address given above or by calling the Commission's toll free telephone number, 1-800-642-8544.

GENERAL ORDER NO. 214.3

AMENDMENT TO RULES AND REGULATIONS FOR
THE GOVERNMENT OF GAS UTILITIES AND
GAS PIPELINE SAFETY

Proceeding Upon Commission's Own Motion

FISCAL NOTE

This is a Fiscal Note issued pursuant to §§29A-3-4, 29A-3-5, 29A-3-9 and 24-1-7 of the West Virginia Code, relating to GENERAL ORDER NO. 214.3, Amendment To Rules And Regulations For The Government Of Gas Utilities and Gas Pipeline Safety.

I. OBJECTIVES OF THE RULE

The purpose of these rules and regulations is to establish procedures for the effectuation of the legislative mandate expressed in §24-2A-1 of the West Virginia Code. The rules and regulations relate to the continuing eligibility of low-income residential customers for the reduced residential rate schedule. This reduced schedule is applied to gas service rendered in the months of November, December, January, February and March of each year.

II. COST OF IMPLEMENTING THE ATTACHED PROPOSED RULES

A. Cost of Implementation for the State

The administration and enforcement of these rules will require no new personnel, equipment or supplies and will require no substantial changes in work assignments or procedures.

B. Cost of Implementation for Persons Affected by the Proposed Rule

The administration of these rules will require no new personnel, equipment or supplies and therefore the cost to gas utilities as a result of this rulemaking will be minimal.

III. THE EFFECT THIS MEASURE WILL HAVE ON THE COSTS AND REVENUES OF STATE GOVERNMENT

There will be no effect on the cost and revenues of State Government except as noted in Part IV.

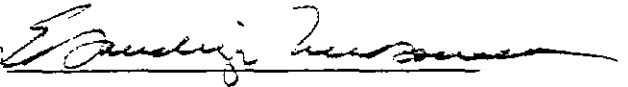
IV. ECONOMIC IMPACT OF THE RULES ON THE STATE OR ITS RESIDENTS

The purpose of the rules is to insure that low-income consumers can better afford winter gas utility service. The resulting revenue deficiency of the utility is to be recovered in one of two ways. First, a special fund has been created by West Virginia Code §24-2A-2, in the office of the auditor. This fund, entitled "Low Income Residential Utility Assistance Fund," is to be funded by any monies transferred by the Governor from the "Low Income

Energy Assistance Program", monies appropriated to the fund from general or special revenues by the West Virginia Legislature and any donations, gifts, contributions, etc. Secondly, if, after the auditor's fund is exhausted and a revenue deficiency remains, the utility will be allowed a tax credit against the liability pursuant to West Virginia Code §11-24-11. Consequently, the result will be that the State will realize less revenues by not collecting the credited taxes.

DATE June 15, 1983 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE



FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE June 15, 1983
Administrative Law Division