

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

JAN 28 1 50 PM '94

OFFICE OF 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: W.Va. Code §§ 24-1-1, 24-1-7, 24-2-1, 24-2-2, 16-13A-9 and 8-18-23.

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §24-1-7

AMENDMENT TO AN EXISTING RULE: YES X, NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4


TITLE OF RULE BEING AMENDED: Rules and Regulations for the Government of  
Gas Utilities and Gas Pipeline Safety, Rule 4.08(1).

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

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

EFFECTIVE DATE OF THIS RULE IS March 29, 1994

  
Howard M. Cunningham  
Executive Secretary

14-80

P.S.C.  
Leg. Rule/Adm. Reg. 24-1  
SERIES IV

IN THE MATTER OF amendment to Rule 4.08(1)  
of the Commission's Rules and Regulations for  
the Government of Gas Utilities and Gas Pipeline Safety

FISCAL NOTE

This is a fiscal note issued pursuant to W.Va. Code §§29A-3-4, 5,  
9 and §24-1-7 relating to the Commission's General Order No.  
185.10.

I. OBJECTIVES OF THE RULE

The objective of this rulemaking is to amend Rule 4.08(1) of the Commission's Rules and Regulations for the Government of Gas Utilities and Gas Pipeline Safety to provide customers who have been notified that gas service is to be terminated an opportunity to enter into a reasonable deferred payment plan and to provide certain procedural rights.

II. COSTS OF IMPLEMENTING THE PROPOSED RULE

There will be no significant implementation cost relating to the amendment to the rule for the State of West Virginia or for persons affected by the amendment.

III. THE EFFECT THIS MEASURE WILL HAVE ON THE COSTS OR REVENUES OF STATE GOVERNMENT (Information required by fiscal notes for either House of the Legislature).

None.

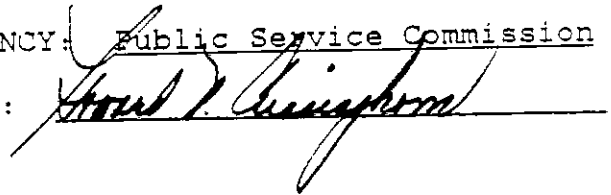
IV. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS

The rule will allow residents in economic distress to enter into reasonable deferred payment plans to pay for arrearages on gas bills. It will have minimal economic impact on the state as a whole.

DATE: January 28, 1994

AGENCY: Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE:



SUMMARY OF PROPOSED RULES

The amendment to the rule provides the customer who has been notified that gas service is to be terminated for nonpayment an opportunity to enter into a reasonable deferred payment plan. It provides for the customer to be able to appeal the reasonableness of the plan to the Public Service Commission. It also requires notification before termination in the case a payment is not received on a deferred payment plan.

TITLE 150  
LEGISLATIVE RULES  
PUBLIC SERVICE COMMISSION

FILED

JAN 28 1 51 PM '94

SERIES 4  
RULES AND REGULATIONS FOR  
THE GOVERNMENT OF GAS UTILITIES  
AND GAS PIPELINE SAFETY

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

§150-4-1. General.

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

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

1.3. Filing Date. -- January 28, 1994

1.4. Effective Date. -- March 29, 1994

1.5. Authorization of rules.

a. These rules are intended to define good operating practices, which can normally be expected.

b. They are intended to ensure adequate service and to prevent unfair charges to the public, and to protect the utilities from unreasonable demands.

c. 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 additional service, equipment, facility, or standard either upon complaint or upon its own motion, or upon the application of any utility.

d. These regulations shall not relieve in any way a utility from any of its duties under the laws of this State.

1.6. Application of rules.

a. These rules apply to public utilities as defined in Regulation 1.8.

b. 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 in the Commission for the modification of the rule or for temporary or permanent exemption from its provisions: Provided, That no utility shall submit application for such modification or exemption without submitting therewith a full and complete justification for such action.

## 1.7. Definitions.

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

b. Cubic foot of gas. -- The term "cubic foot of gas" or "cubic foot" as used in these rules shall have the following meanings:

1. Testing. -- For the purpose of testing gas under these rules, a cubic foot of gas shall be taken to be that amount of gas which occupies a volume of one (1) cubic foot when saturated with water vapor at a temperature of sixty (60) degrees Fahrenheit and an absolute pressure equal to 30 inches of mercury at thirty-two (32) degrees Fahrenheit.

2. Distribution pressure measurement. -- For the purpose of measurement of gas at standard distribution pressure, a cubic foot of gas shall be taken to be the amount of gas which occupies a volume of one (1) cubic foot under the conditions existing in the customer's meter where installed.

3. High or intermediate pressure measurement. -- In cases where gas is supplied through orifice or other type meters at other than standard distribution pressure, a cubic foot of gas shall be defined to be that volume of gas which, at an absolute pressure of 14.73 pounds per square inch, occupies a volume of one (1) cubic foot. The temperature of the gas shall be determined and corrected to sixty (60) degrees Fahrenheit where necessary and practical. This definition of cubic foot of gas does not affect contract or other provisions.

c. Customer. -- The word "customer" used in these rules shall be construed to mean any person, group of persons, firms, corporation, institution, municipality or other service body furnished gas, service or facilities by a gas utility.

d. Customer's service. -- The term "customer service" shall be defined to mean the service line extending from the property line to the inlet of the meter serving the customer.

e. High or intermediate pressure distribution system. -- A "high or intermediate pressure distribution system" shall be taken to mean one in which the gas in the mains is maintained at a pressure higher than standard distribution pressure.

f. Low pressure distribution system. -- A "low pressure distribution system" shall be that portion of the utility's system in which standard distribution pressure is maintained, and from which the gas is introduced from the mains

into the customer's housepiping without passing through a pressure regulating device.

g. Main. -- The term "main" shall be defined to mean the pipe of any utility's gas system, located in a public highway, street, alley, or private right-of-way, and used to transport gas.

h. Public utility. -- Except where a difference 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 engaged in the business of producing, furnishing, transporting, distributing or selling gas for light, heat or other purposes which are now or may hereafter be held to be a public service.

i. Service connection. -- The term "service connection" shall be defined to mean the utility's pipe and appurtenances which connect any gas main in a public highway, street, alley or private right-of-way with the inlet connection of a customer's service line at the property line.

j. Standard distribution pressure. -- "Standard distribution pressure" shall be the distribution pressure established by the utility under the requirements of Regulation 7.3.

**§150-4-2. Records, reports and other information to be supplied to the Commission.**

**2.1. Records and reports.**

a. 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 adopted by the Commission in its General Order No. 117-C of September 25, 1972, and effective December 1, 1972, except, as they may be hereinafter modified. No such record shall be destroyed without Commission approval. (NOTE: These regulations are published in separate pamphlet form and will be furnished upon request).

b. Location of records. -- Such records shall be kept at the office or offices of the utility, and shall be open at all reasonable hours for examination by the Commission or its representative, or by others authorized by the Commission.

**c. Reports to Commission.**

1. Each utility shall, at such times and in such form as the Commission may prescribe, report to the Commission

the results of any test or tests required to be made or the information contained in any records required to be kept by the utility.

2. Each utility shall furnish to the Commission any information in its possession, respecting its rates, charges, or practices which may from time to time be required by the Commission, and without formal order of the Commission.

d. Special reports. -- Each utility shall submit to the Commission duplicate copies of routine reports made by it to the Federal Energy Regulatory Commission pertaining to any phase of its business as a gas utility in West Virginia.

## 2.2 Filing of rate schedules.

a. Filing required. -- No rules and regulations, or schedules of rates or charges, or modification of the same, shall be effective until filed with the Commission as provided by law.

b. Where filed. -- Copies of all schedules of rates and other charges, and copies of all rules and regulations, covering the relation of customer and utility, shall be filed by every utility in the office of the Commission.

c. 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 Vehicle," and such other amendments or modifications that may hereinafter be adopted.

d. 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.

e. 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.

## 2.3. Financial and statistical report.

a. Every utility shall file annually a financial and statistical report upon forms to be furnished by the Commission. Said report shall be based upon the accounts set up in conformity with the Commission's order and rule as set out in Regulation 2.4 of these rules and regulations. This report shall be filed on or before March 31st of each year, or at such date as the Commission may direct.

b.

1. Each utility shall file, monthly, gas statistical reports upon forms to be furnished by the Commission. This report shall be filed not later than forty-five (45) days following the period covered by the report.

2. In reporting all gas volumes on statistical reports (Form furnished by the Commission), measurement made at pressure above normal distribution pressure shall be adjusted to a pressure base of 14.73 pounds per square inch absolute. This applies to produced, purchased, storage, and sales measurements.

2.4. Uniform system of accounts. -- All gas utilities are required to maintain their books and records in accordance with the "Uniform System of Accounts" promulgated by the Federal Power Commission (now the Federal Energy Regulatory Commission) as published in Title 18 CFR Parts 201 and 204, and in effect as of January 1, 1977.

2.5. Maps and records.

a. Each utility shall keep on file suitable maps, plans, and records showing the entire layout of producing field or fields, and of each compressing or boosting station, with the location, size and character of each piece of plant equipment, pipelines, connections and other facilities used in the production and transmission of gas. Each utility shall keep similarly complete maps, plans, or records of the entire distribution system showing the size, character and location of each main, district regulator, street valve and drip, and each service connection, together with such other information as may be necessary.

b. 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.

c. Each gas utility shall file with the Commission a map or maps showing the lines in its system which it designates and operates as transmission lines. The utility shall, on or before April 1st of each year, file a new map; recall, revise and resubmit its old map, or advise the Commission, in writing, that no changes to the transmission lines have been made during the year.

2.6. Management audits.

a. 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.

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

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

2. 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.

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

c. 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 performed under the rules of another jurisdiction in satisfaction of this rule when that audit and the potential benefits of such audit may be taken into consideration. The Commission may accept or request a management audit if 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.

d. Conduct and control.

1. 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.

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

3. 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.

e. 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.

f. Implementation of recommendations.

1. Draft report.

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

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

2. Final report.

A. 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.

B. Within thirty 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.

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

4. 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.

5. 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.

6. 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.

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

### §150-4-3. Meter requirements.

#### 3.1. Gas measurement requirements.

a. Gas purchased. -- Every utility shall measure and record the quantity of gas purchased by it.

b. Gas sales. -- Every utility shall measure and record the quantity of gas sold by it.

c. Exchange gas. -- Every utility shall measure and record the gross cubic feet of gas exchanged with others.

d. Storage gas. -- Every utility shall measure and record separately the quantity of gas put into storage and gas removed from storage.

e. Company gas. -- Every utility shall measure where practicable and record all gas used, for any purpose, by the utility. The records shall be kept so as to indicate the division of its system, production, transmission or distribution, where the gas was used.

#### 3.2. Use of meter.

a. Gas sold. -- All gas sold by a utility shall be charged for by meter measurements.

b. Other gas. -- All gas delivered as compensation for leases, rights-of-way, or other reasons, not charged for at the utility's regular schedule of charges, shall be metered and a record kept thereof.

3.3. Utility to provide meters and regulators. -- Unless otherwise authorized by the Commission, each utility shall provide and install at its own expense (except as provided in Regulation 5.6) and shall continue to own, maintain, and operate all equipment necessary for the regulation and measurement of gas, in accordance with tariff or contract provisions, to its customers. Where meters or regulators not required by these rules and regulations are furnished by the utility for the convenience of the customer, a charge for such meters or regulators may be made.

### 3.4. Location of meters.

#### a. Urban meters.

1. When meters are installed inside buildings, they should be located in a dry place not subject to excessive heat, and as near as possible to the entrance of service.

2. When meters are located outside of buildings, they may be enclosed by a small box or other protective device specially built for that purpose.

3. The meter location in all cases shall be subject to the approval of the utility.

b. Tagging house lines. -- When a number of meters are placed in the same location, each house line should be tagged close to the meter, so as to indicate the particular part of a building or premises served by such meter.

c. Rural meters. -- When the distance between the utility's main and the nearest point of consumption is more than 150 feet, the meter shall be located as near to the utility's main as may be practicable. This shall apply whether or not all or part of the service line shall have been constructed by either the customer or the utility.

### 3.5. Meter readings.

a. Meter requirements. -- Each service meter of the displacement type shall indicate clearly the cubic feet of gas registered. Where gas is metered under high pressure, or where the quantity is determined by calculation from recording devices, the utility shall show on the bill the information needed to make clear the method by which the quantity is determined.

b. Meter-reading period. -- As a matter of general practice, all service meters shall be read at monthly intervals, on the corresponding day of each meter-reading period or as near thereto as practical. Approval may be granted for the reading of meters at other than monthly intervals, if the circumstances warrant.

### §150-4-4. Customer relations.

#### 4.1. Customer information.

a. 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. The information contained in the utility's safety requirements concerning customer connections required to be filed pursuant to Rule 8.3 infra, shall be furnished to all customers installing new or revising existing customer service lines.

b. Explanation of meter readings. -- Each utility shall adopt some means of informing its customers as to the method of reading meters, either by a printed description on its bills, or by a notice to the effect that the method will be explained at the office of the utility upon request. It is recommended that an exhibition meter be kept on display in each sales office maintained by a utility.

c. 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 him/her in obtaining the rate which is most advantageous to his/her 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.

d. Posting of law, rates, rules and regulations.

1. Every utility shall maintain in its office for inspection by the public the following:

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

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

C. A copy of the Commission's Rules and Regulations for the Government of Gas Utilities and Gas Pipeline Safety.

2. A suitable placard, in large type, shall be exhibited in a conspicuous location, giving information to customers that a copy of the law, the rules and regulations of the Public Service Commission and the schedule of rates are kept for their inspection.

4.2. Customer deposits.

a. Security deposits.

1. Security deposit. -- A utility may require an applicant or customer to make a deposit as a guarantee for the payment of gas 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 gas until these conditions are 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 consecutive months, the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve consecutive months' period shall commence from the first regular payment or following the payment of a past due bill or bills. Simple interest at the rate of eight percent (8%) per annum shall be paid at date of discontinuance of service or at the end of the above return period, provided the deposit remains with the utility for a period of six months or longer. 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.

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

3. 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.

4. 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 rate of interest to be paid thereon. Each utility shall provide reasonable records to refund the deposit of a customer, when he/she is so entitled, even if the original receipt cannot be produced. A receipt or proof of payment will not be necessary under the provisions for an automatic refund.

5. 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 day of December immediately preceding, the amount of

each 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 West Virginia Code §24-2-1).

b. Guaranty agreement.

1. 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.

2. Guaranty agreements shall terminate after the customer has satisfactorily paid bills for service of 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.

c. 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.

a.

1. Bills shall be rendered periodically, and they shall show the readings of the meter at the beginning and the end of the period for which the bill is rendered, the date of the meter readings, and the number of cubic feet of gas supplied. The applicable rates shall be provided on the monthly bill.

2. Billing period. -- Meters shall be read as nearly as possible at regular monthly intervals. Due to the incidence of week-ends, 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 is not more than five days or less than five days of the standard period. When the deviation exceeds these limits, the tariff consumption blocks and the

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 days for monthly billing.

3. Utilities desiring to adopt mechanical billing of such nature as to render compliance with all the terms of paragraph 1 impractical may make application to the Commission for relief. After consideration of the reasons given when asking for relief, the Commission may allow the omission of any part of these requirements.

b. On all bills which include any other items than a definite authorized gas rate, the other factors used in computing the bill shall be clearly stated so that the amount may be readily verified from the information appearing upon the bill.

c. Each bill shall be due not less than twenty (20) days from date of billing and shall bear upon its face the latest date it may be paid.

#### 4.4. Adjustment of bills.

a. Fast meters. -- If, upon test of any meter, the meter is found to have an average error of more than two percent (2%) fast, the utility shall refund to the customer the overcharge, based upon the corrected meter reading for a period equal to one half the time elapsed since the last previous test, but not to exceed six (6) months. If it can be shown that the error was due to some cause, the date of which can be fixed, the overcharge shall be computed back to, but not beyond, such date. If the meter has not been tested in accordance with Rule 6.5, the period for which it has been in service beyond the regular test period shall be added to the six (6) months in computing the refund.

b. Slow meters. -- If, upon test of any gas meter, the meter is found to have an average error of more than two percent (2%) slow, the utility may render a bill for the gas consumed, but not covered by bills previously rendered, for a period equal to one half of the time elapsed since the last previous test, but not to exceed three (3) months. If it can be shown that the error was due to some cause, the date of which can be fixed, the charge may be computed back to, but not beyond, that date.

c. Dead meters. -- If a meter is found not to register for any period, the utility shall compute the gas used by taking the average of the gas used for the meter-reading period preceding and the meter-reading period following the date when the meter was found to be dead, which amount shall be assumed to be the amount of gas used by the customer during the billing period in which the meter was found dead. Exceptions will be made to this rule in case the facts clearly show that the

above method does not give the correct consumption for the period.

#### 4.5. Complaints.

a. 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.

b. 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.

c. Disposition of records. -- A summary of each complaint showing the nature of the complaint, the result 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 results 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.

a. Any customer desiring to have his/her 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.

b. 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.

(a) Grounds for Discontinuance and Procedure to be Followed:

(1) 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:

A. The written notice must comply with P.S.C. W.Va. Form No. 14 and shall be sent first class mail, ~~return postage guaranteed~~ 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 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 ten days of the personal notice. The individual giving notice in person shall present a copy of the original written notice. If the personal notice is by telephone, the person shall inform the customer how to obtain a copy of the original written notice.

B. 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, ~~or~~ (d) that he is unable to pay for such service in accordance with the requirements of the utility's billing ~~or that he is able to pay for such service but only in installments~~, 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 such 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 Section 4.8(a)(1)(C).

2. In reaching the decision set forth in Subsection 2, when the reason for termination is non-payment of a bill and the customer has demonstrated an inability to pay the bill in accordance with the requirements of the utility's billing or that the customer is able to pay for such service but only in installments and that termination of service would be especially dangerous to the health or safety of a member of the customer's household, the utility must offer to the customer the opportunity to enter into a deferred payment agreement, the details of which

are to be negotiated between the utility and the customer and are subject to Commission review and approval upon appeal. In determining the type of payment agreement to be used, the utility 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.

C. A customer who has been notified that gas 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 of a reasonable payment plan. The conditions surrounding the deferred payment agreement shall be as follows:

(i) 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; provided that the agreement requires payment of the current bill plus a specified amount per month on the arrearage.

(ii) 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.

(iii) 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.

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

(v) 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.

(vi) 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 (a)(1)(C)(i). However during the renegotiation period the customer must timely pay the current bill and make some payment on the arrearage.

D. 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):

(i) 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 this subsection [(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.

(ii) The time period running from the first day of December through the last day of February;

(iii) The presence of electric or gas energy using life-supporting equipment such as kidney diagnosis 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 Subsection 4.8(a)(1)(B).

E. 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 subsection shall also apply to any customer regardless of age who is physically, mentally or emotionally incapacitated.

F. 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. Service shall be reinstated within eight hours or less after receipt of payment.

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

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

I. 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.

J. If a landlord of a master-metered apartment building, motel, hotel, or other multiple-unit dwelling is responsible for payment of a utility bill, written notice of termination shall be placed at a location readily available for public inspection at least five (5) days prior to the scheduled termination of that apartment building, motel, hotel or other multiple-unit dwelling in order to provide notice of the scheduled termination to the tenants of said apartment building, motel, hotel or other multiple-unit dwelling. This notice shall inform the tenants of the date on or after which termination of service will occur and shall state the steps the tenants can take to avoid termination of service. If the billing address for any single unit service is different than the service location, a written notice shall be delivered or posted at a visible location on the premises where the service is to be terminated at least five (5) days prior to the scheduled termination. This notice shall inform the occupant of the date upon which, or after, termination of service will occur and shall state the steps the occupant can take to avoid termination of service.

K. 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.

V. Only subsections A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ.

b. Charge for reconnection. -- Whenever utility service is terminated pursuant to subsection a 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.

c. Definitions. -- For the purposes of this rule, the following definitions shall apply:

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

2. Due bill. -- a bill is due when rendered.

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

4. 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.

5. Utility service. -- Utility service means service provided by any gas utility subject to the jurisdiction of this Commission to any customer of said utility, unless a subsection of this rule clearly indicates a different meaning.

d. 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.

a. Noncompliance with rules and regulations. -- Any utility may decline to serve an applicant until he/she has complied with the State and municipal regulations governing gas service and the Commission approved rules and regulations of the utility.

b. Utility's facilities inadequate. -- Until adequate facilities can be provided, a utility may decline to serve an applicant if, it does not have adequate facilities to render the service applied for, or if the desired service is of a character that is likely to affect unfavorably service to other customers. When service is denied on the basis of this rule, a time schedule for correcting the deficiency must be provided to the applicant.

c. Applicant's facilities inadequate. -- The utility may initially refuse to serve an applicant, if the applicant's installation of piping or gas-burning equipment is regarded as hazardous or of such character that satisfactory service cannot be given.

d. Applicant's recourse. -- In the event that the utility shall refuse to serve an applicant under the provisions of this rule, the utility must inform the applicant that the question may be submitted to the Commission for decision.

4.10. Change in character of service. -- In case any substantial change is made by a utility in the composition of the gas, the pressure, or other conditions which would affect the efficiency of operation or adjustment of appliances, the appliances of all customers in the district affected shall be inspected and shall be readjusted, if necessary, by the utility for the new conditions without charge.

4.11. Access to property.

a. 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 the customers to provide reasonable access to their premises for the above purposes shall be deemed to be sufficient cause for discontinuance of service on the part of the utility.

b. Identification for employees. -- Every employee, whose duties regularly require him to enter the homes of customers shall wear a distinguishing uniform or insignia identifying him as an employee of the utility 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 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 information as herein required.

4.12. Service Interruptions.

a. Records of Interruptions - Each utility shall keep a record of any interruption of service affecting its entire system or a major division thereof, including a statement of the time, duration, and cause of the interruption.

b. Notification to Customer - Every customer affected shall be notified in advance of contemplated work which will result in an interruption of service. Insofar as practical, every customer affected shall be notified in advance of any contemplated work which will result in interruption of service of any long duration, but such notice shall not be required in case

of interruption due to emergencies or accidents, the elements, public enemies, strikes, or orders of court which are beyond the control of the utility.

c. Curtailment -

1. Each utility shall report to the Commission any contemplated curtailment, to any class of customers, prior to such curtailment, the following information:

- A. Reason for curtailment.
- B. Date and hour curtailment is to begin.
- C. Class or classes of customers to be curtailed. (This should include sales for resale).
- D. Number of customers affected in each classification.
- E. Percent of curtailment being requested in each classification.

2. As soon as the curtailment request has been cancelled, the utility shall inform the Commission.

3. The utility shall file a detailed report, not later than June 1, of each year, of all curtailments made during the year ending March 31, showing the following:

- A. Date or dates curtailment was in effect.
- B. Percent of curtailment by classification of customers, and number of customers affected in each classification.
- C. Total Mcfs curtailed, by months and by classes of customers.
- D. Names of all wholesale (sales for resale) customers affected by the curtailment and the amount, in percent and Mcf, for each customer.

4.13. Temporary service. -- In the case of temporary service for short-term use, the utility may require the customer to pay all costs of making the service connection and removing the material after the service has been discontinued, or to pay a fixed amount in advance to cover such expense: Provided, however, That if the material is removed the customer shall be credited with the reasonable salvage which the utility shall receive on discontinuance.

~~4.14. Prohibition on installation of natural gas outdoor lighting and sale of natural gas for use in outdoor lighting.~~

//////a////Definitions/

/////////1////Direct/industrial/customer///+/+/An/industrial/user of/gas/who/obtains/the/natural/gas/under/a/contract/with/a/natural/gas/pipeline/company/or/any/agent/thereof/

/////////2////Local/distribution/company///+/+/Any/person/engaged in/the/business/of/interstate/or/intrastate/transportation/and local/distribution/of/natural/gas/for/ultimate/consumption/

/////////3////Natural/gas///+/+/Any/fuel/consisting/in/whole/or/in part/of/natural/gas//liquid/petroleum/gas//or/synthetic/gas derived/from/petroleum/or/natural/gas/liquids/

/////////4////Natural//gas//outdoor//lighting//fixture///+/+/A complete/stationary/natural/gas/outdoor/lighting/unit/

/////////5////Pipeline/company///+/+/Any/person/engaged/in/the business/of/interstate/or/intrastate/transportation/of/natural gas/by/pipeline/other/than/as/a/local/distribution/company/

/////////6////Residence///+/+/Any//single//or//multiple//family dwelling/unit//including/commonly/held/area/associated/with/such unit/and/including/multiple/family/dwelling/units/which/may/be classified/by/the/local/distribution/company/as/"commercial" customers/

/////////7////Substitute/lighting///+/+/Outdoor/lighting/which does/not/directly/burn/natural/gas/

//////b////Prohibition///+/+/Installation/of/natural/gas/outdoor lighting/fixtures/

/////////1////No/West/Virginia/jurisdictional/local/distribution company/or/direct/industrial/customer/shall/install/any/natural gas/outdoor/lighting/fixtures///+/+/This/prohibition/is/effective beginning/on/November/9//1978/

//////c////Prohibition///+/+/Sale/of/natural/gas/for/use/in/outdoor lighting/

/////////1////No/West/Virginia/jurisdictional/local/distribution company/shall/supply/natural/gas/for/use/in/outdoor/lighting/

/////////K////In/the/case/of/any/residential//commercial/ or/industrial/customer//this/prohibition/shall/be/effective/on May/8//1979//unless/a/later/effective/date/is/applicable/under subparagraphs/b//c//or/d/of/this/section/

/////////B////In/the/case/of/any/industrial/or/commercial structure/to/which/natural/gas/was/being/supplied/by/the/West Virginia/jurisdiction/local/distribution/company/for/outdoor lighting/use/on/November/9//1978//this/prohibition/shall/be effective/on/November/5//1979/

//////////C/////////In the case of any municipal outdoor lighting fixture to which natural gas was being supplied by a West Virginia local distribution company for outdoor lighting use on November 9, 1978, the prohibition shall be effective January 1, 1982.

//////////D/////////In the case of any outdoor lighting fixture used in connection with a residence to which natural gas was being supplied by a West Virginia jurisdictional local distribution company for outdoor lighting use on November 9, 1978, the prohibition shall be effective January 1, 1982.

//////////d/////////Prohibition of Use of natural gas by direct industrial customers for outdoor lighting.

//////////1/////////In the case of a direct industrial customer who was using natural gas for outdoor lighting on November 9, 1978, the prohibition shall be effective on November 3, 1979.

//////////2/////////In the case of a direct industrial customer using a natural gas outdoor lighting fixture(s) that was installed prior to November 9, 1978, and such customer was not using gas for such fixture on May 10, 1979, the prohibition shall be effective May 8, 1979.

//////////e/////////Exemptions.

//////////1/////////Lighting of historical significance.

//////////A/////////Scope.

//////////i/////////A federal, state or local government agency, or an appropriate historical association, may petition the Commission for an exemption from the prohibitions set forth in Sections c and d of this rule.

//////////ii/////////In the case of a petition for an exemption from the prohibition set forth in Section c of this rule, an exemption shall be granted only for replacement of a natural gas outdoor lighting fixture(s) that was installed prior to November 9, 1978.

//////////iii/////////Such replacement shall include:

//////////I/////////Replacement of an extant original or reproduction fixture, or

//////////II/////////Installation of an original or reproduction fixture to replace a fixture which existed during the life of the specified historic property.

//////////B/////////Criteria of The criteria for an exemption on the basis of historic significance shall be satisfied upon certification by the petitioner that the specifically

identified/natural/gas/outdoor/lighting/fixture(s)/directly  
contributes/to/the/quality/of/significance/of/the/specifically  
identified/historic/property/or/district/as/applicable/and/upon  
a/finding/that/the/specifically/identified/historic/property/

//////i////Is listed on the National Register of  
Historic Places maintained by the Heritage Conservation Service,  
Department of the Interior, or is officially determined eligible  
for listing by the Secretary of Interior, pursuant to the  
National Historic Preservation Act (16 U.S.C. 470 as amended),  
applicable regulations (36 CFR Parts 60 and 63), and Executive  
Order 11593, or

//////ii////Is in a district whose state or local  
statutes are certified as providing adequate protection of  
historic places by the Secretary of the Department of the  
Interior, pursuant to the Tax Reform Act of 1976 (26 U.S.C. 191,  
280B) and applicable regulations,

//////c////Stays./// An exemption request shall result  
in a stay from the prohibitions set forth in Sections c and/or d  
of this rule if:

//////i////The petitioner has certified that the  
specifically identified natural gas outdoor lighting fixtures  
directly contributes to the quality of significance of the  
specifically identified historic property or district, as  
applicable, and

//////ii////An application is pending before the  
Department of Interior, for inclusion in one of the categories  
specified in Subsections a or b of the preceding Section 6(A)(2)  
Criteria.

//////2////Memorial Lighting

//////A////Scope.///

//////i////A federal, state or local government  
agency, or an appropriate historical association, may petition  
the Commission for an exemption from the prohibitions set forth  
in Sections c and/or d of this rule on the basis of memorial  
lighting.

//////ii////In the case of a petition for an  
exemption from the prohibition set forth in Section c of this  
rule, an exemption shall be granted only for a replacement of a  
natural gas outdoor lighting that was installed prior to November  
9, 1978. Such replacement shall include replacement of an extant  
fixture only.

//////B////Criteria./// The criteria for an exemption on  
the basis of memorial lighting shall be satisfied upon a finding  
that the specifically identified outdoor lighting fixture(s)

directly/ contributes/ to/ preserving/ the/ memory/ of/ a/ deceased/ person/ or/ persons/

/////////3////Commercial/ Lighting/ of/ a/ traditional/ nature

/////////A////Scope/ /

/////////i////A/ person/ using/ natural/ gas/ for/ outdoor/ lighting/ which/ is/ used/ for/ commercial/ purposes/ and/ which/ is/ of/ a/ traditional/ nature/ and/ conforms/ with/ the/ cultural/ or/ architectural/ style/ of/ the/ area/ in/ which/ it/ is/ located/ may/ petition/ for/ an/ exemption/ from/ the/ prohibitions/ set/ forth/ in/ Sections/ c/ and/ or/ d/ of/ this/ rule/

/////////ii////In/ the/ case/ of/ a/ petition/ for/ an/ exemption/ from/ the/ general/ prohibition/ on/ installation/ of/ natural/ gas/ outdoor/ lighting/ fixtures/ (Section/ c)/ an/ exemption/ shall/ be/ granted/ only/ to/ replace/ a/ natural/ gas/ outdoor/ lighting/ fixture(s)/ which/ had/ been/ installed/ prior/ to/ November/ 9/ /1978/

/////////iii////The/ replacement/ provided/ for/ in/ the/ preceding/ subsection/ shall/ include/

/////////I////Replacement/ of/ an/ existing/ natural/ gas/ light/ or/

/////////II////Replacement/ of/ a/ natural/ gas/ light/ which/ does/ not/ presently/ exist/ but/ which/ existed/ at/ some/ previous/ time/ upon/ the/ specified/ property/

/////////B////Criteria/ / / / / The/ criteria/ for/ an/ exemption/ on/ the/ basis/ of/ commercial/ lighting/ of/ a/ traditional/ nature/ shall/ be/ satisfied/ upon/ certification/ by/ the/ petitioner/ that/ the/ specifically/ identified/ natural/ gas/ outdoor/ lighting/ fixture(s)/ which/ is/ used/ for/ commercial/ purposes/ and/ which/ is/ of/ a/ traditional/ nature/ and/ conforms/ with/ the/ cultural/ or/ architectural/ style/ of/ the/ area/ in/ which/ such/ light/ is/ located/ presently/ exists/ or/ will/ be/ used/ to/ replace/ a/ natural/ gas/ lighting/ fixture/ of/ a/ traditional/ nature/

/////////C////Stays/ / / / / An/ exemption/ request/ shall/ result/ in/ a/ stay/ from/ the/ prohibitions/ set/ forth/ in/ Sections/ c/ and/ or/ d/ of/ this/ rule/ if/ the/ petitioner/ has/ certified/ that/ the/ specifically/ identified/ natural/ gas/ outdoor/ lighting/ fixture(s)/ used/ for/ commercial/ purposes/

/////////i////Is/ of/ a/ traditional/ nature/ and/ conforms/ with/ the/ cultural/ or/ architectural/ style/ of/ the/ area/ in/ which/ such/ light(s)/ is/ located/ and

/////////ii////Presently/ exists/ or/ will/ be/ used/ to/ replace/ a/ natural/ gas/ lighting/ fixture/ of/ a/ traditional/ nature/

/////////4////Safety/ of/ persons/ or/ property

//////////A////Scope// +- A local distribution company, a direct industrial customer, or an interested person, may petition the Commission for an exemption from the prohibitions set forth in Sections d and/or e of this rule on the basis of the necessity to protect the safety of persons and property if such natural gas was being supplied on November 9, 1978.

//////////B////Criteria// +- The criteria for an exemption on the basis of necessity to protect the safety of persons and property shall be satisfied upon a demonstration that an exemption for the natural gas fixture(s) is essential.

//////////i////To prevent an increase in the likelihood of bodily injury or damage to property,

//////////ii////To prevent an increase in the likelihood of the occurrence of crime in the location served by the light, or

//////////iii////Because other existing lighting in the location does not provide lighting adequate to ensure conformance with American National Standards Institute (ANSI) Standard No. D 12.1 "The American National Standard Practice for Roadway Lighting".

//////////S////Time to install substitute lighting.

//////////A////Scope// +- A local distribution company, a direct industrial customer, or an interested person, may petition the Commission for a temporary exemption from the prohibition set forth in Sections d and/or e of this rule. Such an exemption shall be on the basis of the time needed to permit the installation of substitute lighting where no adequate outdoor lighting (other than that using natural gas) exists, if such natural gas was being supplied on November 9, 1978.

//////////B////Criteria// +- The criteria for an exemption on the basis of time to install substitute lighting shall be satisfied upon finding that:

//////////i////No adequate outdoor lighting (other than that using natural gas) is available at the time the applicable prohibition became effective, and

//////////ii////The time required for installation of the substitute lighting will not extend beyond one year from the date the applicable prohibition became effective, unless facts and circumstances warrant a longer period.

//////////S////Compliance which entails substantial expense and would not be cost justified.

//////////A////Scope// +- A local distribution company, a direct industrial customer, or an individual user or an

interested person may petition for an exemption from the prohibitions set forth in Section d and/or e of this rule on the basis that compliance with the prohibitions would not be cost justified if the natural gas use at issue was being supplied on November 9, 1978.

//////B////Criteria////The criteria for an exemption on the basis of substantial expense shall be satisfied upon a showing by the petitioner that compliance with the prohibitions in Section d and/or e of this rule would:

//////i////Entail substantial expense, and

//////ii////That such expense would outweigh the benefits to be derived from compliance.

//////7////Public interest.

//////A////Scope////A local distribution company, a direct industrial customer, or an interested person, may petition the Commission for an exemption from the prohibition set forth in Sections d and/or e of this rule on the basis of the public interest and consistency with the purposes of the Act, if such natural gas was being supplied on November 9, 1978.

//////B////Criteria////The criteria for an exemption on the basis of the public interest and consistency with the purposes of the Act shall be satisfied upon a finding that converting a specific natural gas outdoor lighting fixture(s) to substitute lighting would not reduce the use of natural gas.

//////e////Procedure for submission of petition for exemption.

//////1////Form of petition.

//////A////Any person, federal, state or local governmental agency, historical association, local distribution company, or direct industrial customer who desires to petition the Commission for any exemption contained within Section f of this rule shall do so by written petition.

//////B////The petition for exemption must be typewritten or printed on paper not to exceed 8 1/2 inches wide and 11 inches long.

//////C////The petition shall contain the name and address of the petitioner, shall state the specific exemption sought, and shall fully and completely state the factual allegations upon which the requested exemption is based.

//////D////The petition shall be signed and accompanied by a verification in the form presently prescribed by the Commission's Rules of Practice and Procedure.

//////////E////Two/ of/ more/ parties/ may/ join/ in/ the/ same/ petition/ if/ they/ are/ furnished/ natural/ gas/ by/ the/ same/ local/ distribution/ company//// Furthermore/ the/ joint/ petition/ must/ claim/ the/ same/ exemption(s)/ and/ state/ similar/ facts/

//////////Z////Filing/requirements////The/ petition/ for/ exemption/ shall/ be/ filed/ with/ the/ Secretary's/ Office/ and/ shall/ consist/ of/ an/ original/ and/ seven/ copies/ for/ the/ Commission's/ use/

//////////3////Amendments////A/ further/ and/ better/ statement/ of/ the/ ground/ for/ the/ petition/ or/ any/ matter/ contained/ therein/ or/ deleted/ therefrom/ may/ be/ ordered/ at/ the/ discretion/ of/ the/ Commission/

//////////4////Notice/ hearings/ post-hearing/ procedures/ and/ orders/

//////////A////Upon/ the/ receipt/ of/ a/ petition/ in/ proper/ form/ the/ Commission/ shall/ by/ order/ set/ the/ matter/ for/ hearing/ in/ such/ manner/ as/ presently/ provided/ for/ by/ the/ Commission's/ Rules/ of/ Practice/ and/ Procedure/ and/ other/ applicable/ law//// The/ Commission/ may/ for/ good/ cause/ shown/ grant/ the/ relief/ requested/ without/ a/ hearing/ subject/ to/ the/ provisions/ of/ Subsection/ D/ hereafter/ set/ forth/

//////////B////The/ Petitioner/ upon/ receipt/ of/ the/ Commission's/ order/ setting/ the/ matter/ for/ hearing/ shall/ cause/ the/ same/ to/ be/ published/ as/ a/ Class/ I/ legal/ advertisement/ pursuant/ to/ Chapter/ 59/ Article/ 3/ Section/ 1/ et/ seq/ of/ the/ West/ Virginia/ Code/ at/ least/ two/ weeks/ prior/ to/ the/ hearing//// The/ publication/ area/ shall/ be/ the/ county/ of/ the/ Petitioner's/ residence/ or/ principal/ place/ of/ business/ in/ the/ state//// At/ the/ hearing/ the/ Petitioner/ shall/ offer/ proof/ i/e/ an/ affidavit/ of/ publication/ that/ the/ aforesaid/ publication/ was/ made/

//////////C////The/ conduct/ of/ the/ hearing/ post-hearing/ procedure/ and/ further/ order/ relating/ to/ the/ petition/ shall/ be/ pursuant/ to/ existing/ Commission/ Rules/ of/ Practice/ and/ Procedure/

//////////D////In/ the/ event/ the/ Commission/ determines/ for/ good/ cause/ shown/ to/ grant/ the/ relief/ requested/ without/ hearing/ as/ provided/ in/ the/ preceding/ Subsection/ A/ the/ order/ granting/ the/ relief/ shall/ be/ published/ in/ the/ manner/ set/ forth/ in/ Subsection/ B//// The/ order/ shall/ provide/ that/ the/ relief/ granted/ shall/ become/ final/ unless/ a/ written/ request/ for/ a/ hearing/ is/ made/ by/ an/ interested/ party/ and/ received/ by/ the/ Commission/ Secretary's/ Office/ within/ fifteen/ (15)/ calendar/ days/ from/ the/ date/ of/ publication//// Upon/ the/ receipt/ of/ a/ request/ by/ an/ interested/ party/ for/ a/ hearing/ the/ matter/ shall/ proceed/ as/ provided/ for/ in/ Subsection/ C/

//////////F////Enforcement/

//////////Y////Notice/ of/ violation/

//////////////////A.//Whenever// on/ the/ basis/ of/ any/ information available// the/ Commission/ finds/ that/ any/ person/ is/ in/ violation of/ any/ provision/ of/ this/ rule// the/ Commission/ shall/ issue/ notice of/ such/ violation/

//////////////////B.//The/ notice/ of/ violation/ shall/ be/ in/ writing// shall// state// with// reasonable// specificity// the// nature// of// the violation// and/ shall/ be/ mailed/ to/ the/ person/ alleged/ to/ have committed/ the/ violation/

//////////////////C.//The/ notice/ shall/ advise/ the/ person/ that/ there is/ the/ opportunity/ for/ agency/ hearing// The/ notice/ shall/ indicate the/ time/ and/ place/ of/ the/ hearing/

//////////////////Z.//Hearing/

//////////////////A.//No/ penalty// shall// be// assessed// hereunder against/ any/ person/ without/ affording/ that/ person/ the/ opportunity for/ hearing/

//////////////////B.//Hearings// shall// be// set// and// conducted// in accordance/ with/ the/ Commission's/ Rules/ of/ Practice/ and/ Procedure/

//////////////////3.//Penalties/

//////////////////A.//After// hearing// or// after// opportunity// for hearing/ has/ been/ given/ and/ the/ person/ fails/ to/ appear/ without good/ cause/ shown// the/ Commission// or/ hearing/ examiner// shall dispose/ of/ the/ matter/ by/ order// which/ shall/ contain/ findings/ of fact// together/ with/ assessment/ of/ civil/ penalty// if/ appropriate/ as/ hereinafter/ provided// and/ may/ contain/ further/ relief/ as/ it deems/ just/ and/ appropriate// including/ future/ compliance/

//////////////////B.//The/ same/ rights/ of/ appeal/ and/ enforcement/ of the/ aforesaid/ order/ shall/ apply/ as/ presently/ exists/ under/ the Commission's/ rules/ and/ applicable/ state/ law/

//////////////////C.//Any// person// who// violates// any// prohibition contained// within// this// rule// and// Section// 402(b)(1)// of// the Powerplant/ and/ Industrial/ Fuel/ Use/ Act/ of/ 1978// with/ respect/ to providing/ natural/ gas/ service/ to/ any/ person/ for/ use/ in/ outdoor lighting/ shall/ be/ subject/ to/ a/ civil/ penalty// which/ shall/ be assessed/ as/ provided/ in/ the/ foregoing/ Subsection/ A/ and/ which shall/ not/ exceed/ \$500/ (five/ hundred/ dollars)/ for/ each/ outdoor lighting/ fixture/ involved/

//////////////////D.//Any/ direct/ industrial/ customer/ who/ violates any/ prohibition/ contained/ within/ this/ rule/ and/ Section/ 402(b)(2) of/ the/ Powerplant/ and/ Industrial/ Fuel/ Use/ Act/ of/ 1978// shall/ be subject/ to/ a/ civil/ penalty// which/ shall/ be/ assessed/ as/ provided in/ the/ foregoing/ Subsection/ (1)/ and/ which/ shall/ not/ exceed/ \$500 (five/ hundred/ dollars)/ per/ day/ of/ violation/ for/ each/ outdoor lighting/ fixture/ involved/ which/ was/ used/ by/ said/ customer// but

not to exceed \$5,000 (five thousand dollars) per outdoor lighting fixture involved.

//////////E//////The penalties under this subsection shall only apply in the case of a violation by any person who at the time of the violation had knowledge that the action involved was prohibited under this rule and Section 402 of the Powerplant and Industrial Fuel Use Act of 1978.//// For the purposes of this section, the effective date of a prohibited activity shall be the effective date of this Rule or the effective date of the prohibited activity, as indicated hereinbefore, whichever is later.

//////////g//////Information requests and investigatory power.

//////////1//////Information requests.//// The Commission may, in its discretion and by general order, require local distribution companies and direct industrial customers to file such information, data or documents with the Commission as it determines necessary and relevant for the purposes of carrying out the intents and purposes of this rule.

//////////2//////Investigatory power.//// The Commission expressly reserves the power to initiate investigations for the purpose of insuring that the requirements of this rule are met.

//////////n//////Stays.

//////////1//////Unless otherwise specifically provided for by the provisions of this rule, an exemption request pursuant to Section e in the form prescribed by Section f shall result in a stay from the prohibitions set forth in Section c, d and/or e of this rule until the Commission enters a final order with respect to such exemption request.

//////////2//////If a stay is obtained under this Section or other provision of this rule, then and in that event the enforcement provisions of Section g shall be similarly stayed until ten (10) days after the termination of the stay from the prohibitions or until the prohibition date, whichever is later.

//////////i//////Exemptions to pass to succeeding users.//// In the event an exemption is granted hereunder from any of the prohibitions set forth in Sections c, d and/or e of this rule, said exemption shall be extended to succeeding users of the same property and natural gas outdoor lighting fixture(s).

//////////j//////Termination of service.

//////////1//////In the event a customer fails to voluntarily discontinue the use of a natural gas outdoor lighting fixture(s) or disallows the termination of service to said fixture(s) by the local distribution company or the pipeline company in compliance with the prohibitions set forth in Sections c, d and/or e of this

rule// the/ local/ distribution/ company/ or/ the/ pipeline/ company/ shall// no/ later/ than/ thirty/ days/ prior/ to/ the/ aforesaid/ prohibition's/ effective/ date/ or/ no/ later/ than/ thirty/ days/ after/ the/ effective/ date/ of/ this/ rule/ whichever/ is/ later/ petition/ the/ Commission/ for/ authority/ to/ terminate/ gas/ service/ to/ said/ natural/ gas/ outdoor/ lighting/ fixtures(s)/

//////////2////A//copy//of//the//petition//provided//for//in//the/ preceding/ subsection/ shall/ be/ served/ by/ the/ utility/ upon/ the/ affected/ customer//// The/ utility/ shall/ provide/ proof/ of/ said/ service/ and/ the/ manner/ in/ which/ it/ was/ made/ to/ the/ Commission/ within/ ten/ (10)/ days/ of/ the/ filing/ date/ of/ the/ petition/

//////////3////After/ service/ upon/ the/ affected/ customer/ and/ the/ receipt/ of/ proof/ thereof/ the/ Commission/ shall/ promptly/ set/ the/ matter/ for/ hearing/ and/ shall/ notify/ the/ customer/ of/ the/ date/ time/ and/ place/ of/ hearing/ at/ which/ time/ the/ customer/ should/ appear/ and/ protect/ his/ or/ her/ rights/

//////////4////Unless/ otherwise/ provided/ for/ proceedings/ under/ this/ section/ shall/ be/ governed/ by/ the/ Commission's/ Rules/ of/ Practice/ and/ Procedure/

//////////5////The/ enforcement/ provisions/ of/ Section/ g/ shall/ not/ be/ applied/ against/ any/ person/ while/ a/ petition/ is/ pending/ pursuant/ to/ this/ section/ until/ ten/ (10)/ days/ after/ the/ final/ order/ of/ the/ Commission/ disposing/ of/ the/ petition/

4.15. Residential conservation service program. -- A public utility subject to the jurisdiction of this Commission and to which Part I, 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), is 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 216 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.

##### a. Tariff filings.

Within fifteen (15) days of the adoption of this rule, every public utility, other than a municipality or cooperative gas utility, which provides gas 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 gas 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 West Virginia Code §24-2A-a: 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.

The rate(s) charged for service under each SRRS 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.

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 West Virginia 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.

Each utility required to offer special reduced rates under West Virginia 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.

b. Utility's responsibility upon application for special reduced rate.

Each utility offering special reduced rates shall accept applications for service under such rates from:

1. Any current customer, and

2. 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 West Virginia 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:

A. 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

B. 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

C. The spouse of a person who is over sixty (60) years of age and a recipient of food stamps; or

D. The spouse of a person who receives Social Security Supplemental Security Income (SSI); or

E. Otherwise determined to be eligible to receive such special reduced rates.

For the purpose of applying special reduced rates under West Virginia 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 gas service and such service is provided in that person's name. However, if the person in whose name gas 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 gas 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.

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.

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.

c. Provision of service under special reduced rate.

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

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.

d. 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 WV Form 214.6A and a summary report for the entire certification period by completion of attached PSC WV 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.

e. 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 hearing 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. Budget payment plan.

Each gas utility must offer to all residential customers who use gas as the primary source of space heating and cooling, on an optional basis, an opportunity to pay for gas service on a monthly basis under the provisions of a Budget Payment Plan.

Each gas utility shall annually notify its customers of the availability and the advantages of a levelized annual payment plan.

The Budget Payment Plan shall offer monthly levelized payments and shall be based on the estimate of each customer's twelve monthly bills over the next application period, and shall require equal or relatively equal payments. The Budget Payment Plan shall be reasonably balanced between the customer and the company thereby giving no financial advantage to either party.

In order to keep customers informed of their performance under the budget plan, the utilities shall ensure that each bill show the amount of gas used (Mcf) during the billing period, the actual cost of present usage, the budget payment amount due and the current net credit/debit applicable to the customer's account.

The Budget Payment Plan may be made, but is not required to be made, available to commercial customers.

#### §150-4-5. Engineering requirements.

##### 5.1. Adequacy of facilities.

###### a. Construction and maintenance of plant.

1. Each utility shall at all times construct and maintain its entire plant and system in such condition that it will furnish safe, adequate and continuous service.

2. The standards as set out by the United States Department of Transportation entitled "Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards" and amendments thereto, as published in Title 49 CFR Parts 191 and 192, shall be accepted as standards for construction and the maintenance of safe and adequate service.

b. Inspection of plant. -- Each utility shall inspect its plant and facilities in such manner and with such frequency as may be necessary to ensure a reasonably complete knowledge as to their conditions and adequacy at all times. Such inspections must comply with the requirements of the Federal Minimum Safety Standards, as published in Title 49 CFR Part 192.

c. Records of conditions. -- Records of the conditions found necessary for the proper maintenance of the system and in accordance with the Federal Minimum Safety Standards shall be kept of the conditions found. In special cases, a more complete record may be specified by the Commission.

d. Records of operation. -- Each utility shall keep a record of the operation of its plant, which, so far as practical, shall show such details of plant operation as may be necessary to substantially reproduce its operations. The records shall also be maintained in accordance with the requirements of the Minimum Safety Standards.

e. Reports to commission. -- Each utility shall, upon request of the Commission, file with the Commission a statement regarding the condition and adequacy of its plant, equipment, and facilities, and of its operations and service in such form as the Commission may require.

5.2. Interstate operation. -- Every utility shall measure and record separately the quantity of gas which it exports out of the State of West Virginia, and the quantity imported into West Virginia.

5.3. Lost and unaccounted for gas.

a. Waste. -- all practices in the production, distribution, consumption, or use of natural gas which are wasteful are hereby expressly prohibited.

b. Determination of - Required. -- Each utility shall determine either by measurement or by estimate, the amount of gas "lost and unaccounted for" in each division of its system, that is, production, transmission and distribution; and report, separately, to the Commission in its annual report, the amount of such "lost and unaccounted for" gas and the length in feet of each size of pipe, in each division. In reporting "lost and unaccounted for" gas, the utility shall show, when data is available, amounts attributable to billing lag and pressure differences.

c. Production and transmission system.

1. In case the amount of "lost and unaccounted for" gas is not determined from measurement, the utility shall make pressure drop tests each year on selected lines in the production and/or transmission system. The 3-inch equivalent length of lines or lines tested shall be not less than five percent (5%) of the total miles of 3-inch equivalent main in such systems.

2. In selecting lines for pressure drop tests, the utility shall consult with the Public Service Commission regarding locations for making such tests, and shall advise this Commission of the time and place such tests are to be made in order that the Commission may send a representative to witness the test, if it so desires.

d. Distribution systems. -- Utilities shall measure gas into their distribution plants for the purpose of obtaining data necessary to conduct a safe operation of the system.

e. Basis of estimates. -- When reporting the amount of "lost and unaccounted for" gas which has been determined by estimate, the utility shall set out in detail the manner in which the estimate was made, including in such explanation all known facts and methods used in making the estimate.

5.4. Installation of services and meters.

a. Displacement meters. -- All gas utilities shall adopt standard methods for installing meters. such methods shall be set out with a written description and with drawings to the

extent necessary for a clear understanding of the requirements, and submitted to Commission for approval. Copies of approved standard methods shall be made available to prospective customers and contractors, or others engaged in the business of placing pipe for gas utilization (residential only).

b. Orifice meters. -- All orifice meter settings shall be constructed and maintained in accordance with accepted good practice. (Accepted good practice at present is best indicated by the American Gas Association Gas Measurement Committee Report No. 3, or amendments thereto). All orifice meters installed in accordance to American Gas Association Gas Measurement Committee Report No. 2 need not be remodeled in accordance with Committee Report No. 3 unless the utility elects to do so.

c. Service connection. -- In connecting its distribution mains to the customer's premises, the utility shall furnish, install and maintain the following, which shall remain its property; the pipe between its main and the property line abutting the utility's main, a street connection, stopcock and curb box. All of the foregoing shall be designated as "service connection."

d. Customer's service. -- The customer shall furnish and lay the necessary pipe to make connection from the property line abutting the utility's main, to the place of consumption, and shall keep the service line in good repair. The service line shall be installed and tested in accordance with the Minimum Safety Standards and the utility's safety requirements concerning customer connections required to be filed pursuant to Rule 8.3 infra. The customer shall not make any change in or interfere with said customer's service line without approval of the utility.

e. Inspection of customer's service by utility. -- In the installation of a customer's service line, the customer must not install any tees or branch connection, and must leave the trench open and pipe uncovered until it is examined by an inspector of the utility, and shown to be free of any irregularity or defect.

5.5. Extension of mains. -- Extensions shall be made to the utility's mains in accordance with the following provisions:

a. Free extensions.

1. Whenever an extension of a utility's distribution system is necessary in order that an applicant or group of applicants may receive service in the territory within which the utility operates, the utility shall extend its mains, without cost to the applicant or applicants, for a distance of 100 feet for each applicant who actually takes the service when gas is available.

2. Nothing contained herein shall be construed to prohibit a utility from making, at its expense, longer free extensions than herein prescribed, should its judgment so dictate, provided like free extensions are made to other applicants under similar conditions.

b. Extensions subject to surcharge. -- When an extension of a utility's mains, longer than that provided for in paragraph a.1. of this regulation, is necessary in order that an applicant or a group of applicants may receive service, the utility shall install the additional main according to the following provisions:

1. The utility shall build the entire extension at its own cost.

2. The total construction cost of the extension shall be determined in accordance with the Commission's classification of accounts for gas utilities, and from such total construction cost there shall be deducted:

A. Costs incident to any increase in the size of the main in excess of 4-inch pipe size, (unless larger pipe size is necessary to provide adequate and satisfactory service) increase in length necessary for future expansion or to continue a construction plan of the utility; and costs necessary to correct inadequate capacity.

B. The total construction cost of that portion of the extension constituting a free extension, which includes meters, service regulators, and service connections.

3. The remaining cost shall be used as a base for determining the surcharge.

4. The cost per foot of the extension shall be based upon the average installed cost per foot for the entire extension after deducting the items enumerated in (b) above, paragraphs (1) and (2).

5. The total surcharge shall be twelve percent (12%) per annum of the surcharge base.

6. The twelve percent (12%) per annum shall be equally divided between all customers: Provided, however, That in case an industrial or commercial customer desires to be served from the proposed extension, such customer shall assume that proportion of the twelve percent (12%) per annum which is represented by the ratio of such customer's estimated annual consumption to the total estimated annual consumption of all customers on the proposed extension. The remainder the monthly surcharge shall be divided between the remaining customers.

7. In order to limit the number of different surcharges, all monthly surcharges shall be adjusted to the nearest five (5) cents.

8. Surcharges will be adjusted downward only, at the end of each calendar year, to adjust for additional customers who have been added to the extension during the year. Such adjustment of surcharges shall be continued until the computed surcharge is to two and one-half (2 1/2) cents or less, at which time the extension attains the status of a free extension, and the surcharge shall be discontinued entirely.

c. Extensions not more than 200 feet per customer. -- When an extension of the utility's mains to serve an applicant or group of applicants amounts to more than one hundred (100) feet, but not more than two hundred (200) feet, per applicant, the utility shall make the extension and each applicant will be subject to a surcharge on the number of feet of main installed greater than the free extension of one hundred (100) feet per applicant.

d. Extensions more than 200 feet per customer.

1. When an extension of the utility's mains, to serve an applicant or group of applicants, amounts to more than two hundred (200) feet per customer, the total cost of the excess footage over two hundred (200) feet per customer shall be deposited with the utility by the applicant or applicants, or through their authorized agent, based on the average estimated cost per foot of the total extension. This deposit shall be subject to refund as hereinafter provided. Each customer receiving gas service from such extension will be billed under rates plus the surcharge applicable as hereinabove set forth.

2. At the end of each calendar year, for a period of ten (10) years, the utility will refund to the customer or customers, or their duly authorized agent, who paid for the excess footage over two hundred (200) feet per customer, the cost of additional footage over two hundred (200) feet of pipe, in place, but not to exceed 200 feet for each additional customer, as of December 31, each year, but in no case shall the total amount refunded exceed the amount paid the utility. After ten (10) years no refund will be made. No reduction in surcharge will be made until all parties who paid for the extension over two hundred (200) feet per customer have been reimbursed, or until ten (10) years have elapsed since completion of construction, and when either of such occurrences shall take place then paragraph b.h. hereof shall apply.

3. Each additional customer added to the extension (as stated in Paragraph (4)), after original surcharge has been established, shall pay the applicable surcharge.

e. Term of agreement. -- The term of the contract shall be for one (1) year except that the utility may require a longer term, not to exceed for (4) years, for commercial and industrial customers. At the expiration of the initial term, the agreement will continue in effect from year thereafter, unless the customer shall notify the utility, in writing, of a desire to cancel the contract, not less than thirty (30) days prior to the termination of the initial contract period, or thirty (30) days prior to the termination of any contract year thereafter.

f. Construction conditions. -- Construction of line extensions, as provided in this rule, shall be undertaken promptly after all negotiations have been completed and necessary right-of-way agreements have been delivered to the utility, all prospective customers have signed contracts, and after not less than fifty percent (50%) of the contract signers have completed the piping of their premises and are ready to receive service. The mains shall be constructed over the most practicable route. The surcharge shall be based on the number of customers who actually take the service when gas is available to them.

g. Right-of-way. -- With respect to the item "right-of-way", it is the purpose of this rule that utilities shall not in general be required to build line extensions over private rights-of-way. If the construction of an extension involves the utility's incurring expense for right-of-way easements, either by purchase or condemnation, the cost of said right-of-way, together with all costs of securing, and other related costs, shall be included in the cost of the extension.

h. Customer service lines. -- The customer shall supply the service line, all rights-of-way, railway and other crossing permits, and all construction necessary to bring the terminus of his piping to a location where it can be connected to the utility's "service connection" as fixed and provided for in these rules and regulations.

i. Exception to extension rule.

1. The utility may be relieved by the commission from making extensions under the foregoing rule after presenting to the Commission data showing the purposes for the proposed extension to be of a temporary, unreliable or intermittent nature or if unusual conditions make the cost of the extension economically prohibitive.

2. Nothing contained herein shall be construed to prohibit a utility from making extension of mains under difference arrangements, should its judgement so dictate, provided the above rule is fully explained to the applicant or applicants, and like arrangements are made to other applicant or applicants under similar conditions.

j. Extension of an extension.

1. If an extension is made to an existing extension, subject to surcharge, and the surcharge computed for the new extension is equal to or less than the surcharge on the existing extension, the existing extension and the addition thereto shall be considered as one extension and a new surcharge shall be determined which will be applicable to all customers on the combined extensions.

2. An extension to an extension which requires surcharges greater than those prevailing on the extension from which it originates, will be considered as a separate extension. When the surcharges become equal, the two shall be considered as a single extension.

k. Extensions applicable in real estate subdivisions.

1. The applicant desiring an extension to a prospective real estate subdivision shall pay the entire cost of the extension. The utility may require the applicant to deposit an amount equal to the estimated cost of the project before construction is started, which deposit shall not draw interest. At the end of each calendar year, for a period of ten (10) years, the utility will refund to the applicant who paid for the extension, or his authorized agent, a sum equivalent to the cost of one hundred (100) feet of pipe installed in the extension for each additional customer as of December 31st, but in no case will the total amount refunded exceed the amount paid to the utility. After ten (10) years from the completion of the extension no refund will be made.

2. Customers locating on an extension made under this paragraph k. of this rule will not be charged an extension surcharge.

5.6. Main line pressure-high taps to serve rural customers.

a. Equipment furnished by utility. -- When an applicant, or number of applicants, not large enough to merit the installation of an intermediate or low pressure distribution system, desire gas service which must be supplied from a transmission or field line, the utility shall, without cost to the customer, make the tap, install a stop cock, metering and appurtenant equipment, exclusive of the regulator or regulators, oil seal or other type pressure relief device, and the line. All meters and regulators installed according to this rule shall be housed at the expense of the customer.

b. General provisions.

1. All such installations shall have at least one (1) regulator and shall also be provided with excess pressure protection. This safety device shall be installed near the customer's meter and shall be set to relieve any pressure in

excess of ten (10) ounces, unless higher pressure is necessary in order to furnish service.

2. The number of regulators required shall be determined by the maximum operating pressure existing in the line at any time during the preceding twelve (12) month period, unless changes in operating conditions are contemplated that would require more regulators, in which case additional regulators may be required.

3. On lines in which the maximum pressure does not exceed sixty (60) pound gauge, a service type regulator shall be used. When the maximum gauge pressure existing in the line does not exceed one hundred fifty (150) pounds, two or more regulators shall be used to reduce the pressure. On lines in which the maximum gauge pressure exceeds one hundred fifty (150) pounds, sufficient regulators for safe operation shall be installed.

#### §150-4-6. Inspections and test.

##### 6.1. Meter testing facilities and equipment.

a. Testing facilities. -- Each utility shall provide or have access to such laboratory meter-testing equipment and other equipment and facilities as may be necessary to make the test required of it by these rules or other orders of the Commission. The apparatus and equipment so provided shall be subject to the approval of the Commission, and it shall be available at all times for the inspection or use of any member or authorized representative of the Commission.

b. Test required. -- Each utility shall, as a minimum requirement, make such tests as are prescribed under these rules with such frequency, and in such manner, and at such places as are herein provided or as may be approved or ordered by the Commission.

c. General testing equipment. -- Each utility furnishing metered gas service shall own and maintain the equipment and facilities necessary for accurately testing all types and sizes of meters employed for the measurement of gas, unless arrangements shall have been made to have such testing done in a shop or laboratory containing equipment that is acceptable to the Commission. All alterations, accidents or repairs to meter-proving equipment, subject to proof by the Commission, which might affect the accuracy of such equipment or the method of operating it, shall be promptly reported in writing to the Commission. Testing instruments and equipment must be periodically checked against a standard in accordance with accepted engineering practice. The accuracy of all provers and methods of operating them will be checked from time to time by a representative of the Commission.

d. Equipment for testing small capacity meters. -- Each utility shall be required, except as provided in (3) above, to own and maintain a meter prover of approved type and of a capacity of not less than 5 cubic feet for the testing of small capacity meters. Each meter prover shall be supplied with all accessories needed for accurate meter testing and shall be located in a room suitable for the work to be done, protected from drafts and excessive changes of temperature. The utility shall maintain this equipment in good condition and correct adjustment, so that it shall be capable of determining the accuracy of any service meter to within one half (1/2) of one percent (1%).

e. Equipment for testing large capacity meters. -- Each utility furnishing metered gas service through orifice or large displacement meters, shall have available, except as provided in (3) above, and maintain in proper adjustment prover equipment suitable for determining the accuracy of any orifice or large displacement meter to within one half (1/2) of one percent (1%). The accuracy of all provers and methods of operating them shall be established from time to time by a representative of the Commission.

#### 6.2. Meter test records.

a. Data required. -- All records of tests shall contain complete information concerning the test, including the date and place where the test was made, the name of the person making the test, and the result. Whenever any gas service meter is tested, the original test record shall be preserved, including the information necessary for identifying the meter, the reason for making the test, the reading of the meter upon removal from service, and the result of the test, together with all data taken at the time of test in sufficiently complete form to permit the convenient checking of the methods employed and the calculations made. This record shall be kept until a subsequent test of the meter has been made, but in no case less than six (6) months, and must not be destroyed until all pertinent data has been entered on the meter record.

b. Meter record. -- A complete record shall be kept of all tests and inspections made under these rules. The record to be known as the "meter record" shall be kept and shall indicate for each meter owned or used by any utility the date of purchase, its identification, a record of the use, repairs, and tests to which it has been subjected, and the general results of such tests.

#### 6.3. Tagging, sealing and capping meters.

a. Tagging meters. -- Each meter shall either be marked or accompanied by a record card when installed. The marking or card must show the date of the last test if the meter is tested on a time basis or the registration (index reading) and

date if the meter may be tested on either a time or registration basis. In no case shall the elapsed time between the date of test and the date of installation exceed for (4) months.

b. Sealing meters. -- All meters tested for installation shall be sealed at the time of test by the meterman performing the test. 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 a die, which shall bear the initials of the utility. Utilities using a snap tin type seal shall have the seal shall have the seal stamped in a similar manner.

c. Capping meters. -- All incoming meters must be capped when removed from service and awaiting test. All meters that have been tested and sealed or are ready for installation must be capped when sealed and kept capped until installed.

#### 6.4. Accuracy requirements for gas meters.

a. Installation test. -- Every gas meter, whether new or repaired, or that has been removed from service for any cause, shall be in good order and shall be correct at all test rates of flow to within one percent (1%) before being installed: Provided, however, That, in case of an emergency, a meter not meeting the requirements of this rule may be installed temporarily.

b. Method of determining the accuracy of small meters. -- For the purpose of determining compliance with this rule, the registration of a displacement meter shall be determined by one test at a rate of flow of approximately one fifth (1/5) of its rated capacity and a second test at approximately the rated capacity of the meter. The capacity of the meters for test purposes shall be the capacity at 1/2 inch differential pressure. The test at the two (2) rates of flow shall agree within, plus or minus one percent (1%). The accuracy of the meter shall be determined by taking one half (1/2) the algebraic sum of the errors at check and capacity flow, which shall be considered as its accuracy in determining compliance with provision (1) of this rule and for the purpose of computing refunds; unless unusual load conditions indicate that a higher or lower rate of flow should be used, in which case the test record must show the rate of flow used.

c. Meter prover required. -- All tests to determine the accuracy of any gas service meter used to measure gas at standard distribution pressure shall be made with a bell type prover; unless, because of unusual capacity or construction of the meter, such method of test shall be considered impracticable and another approved method of test shall be used.

d. Method for testing large displacement meters.

1. All tests on large displacement meters shall be made with approved testing apparatus. It is recommended that such meters be tested in the place of permanent location on the customer's premises whenever practicable. When critical flow provers or low pressure flow provers are used for making such tests, it is recommended that the accuracy be determined at three or more rates of flow, ranging from ten percent (10%) of the rated capacity up to flow at maximum operating rate.

2. In such tests, when testing with the critical flow prover, the meter shall be operated at a static pressure which approximates average operating static pressure. When similar tests are made with a low pressure flow prover, average operating pressure should be maintained on the meter under test and the prover operated at a range of low pressure required for such a prover. However, in installation where meters operating on pressures higher than standard distribution pressure are limited in their maximum operating dial rate so as to keep the differential pressure equal to or less than two (2) inches, low pressure flow prover tests may be run with low pressure on the meter. In the flow tests by either method, the maximum dial rate should be such that it will ensure tests being run at meter differential pressure equivalent to normal operating meter differential pressure in all cases.

e. Method for testing orifice meters.

1. All tests on orifice meters shall be made in the place of permanent location on the customer's premises, with approved testing apparatus. The accuracy of the differential pressure registration shall be determined on a rising and falling pressure throughout the entire operating range of the gauge.

2. The static pressure registration shall be determined at two (2) or more points including operating pressure.

f. Methods for determining accuracy of large displacement meters. -- For determining the accuracy of large displacement meters, take the algebraic average of the errors determined at the various rates of flow at which the meter was tested, which shall be considered as its accuracy in determining compliance with provision (1) of this rule and for the purpose of computing refunds; except where the rates of flow at which the meter has been registering in service can be definitely established, in which case the weighted average error shall be determined and used.

g. Method of determining accuracy of orifice gauges.

- The accuracy of the differential element in all orifice meter gauges must be verified by use of a manometer or other approved methods. The accuracy of the static element must be verified by the use of either a dead weight type gauge, an accurate indicating spring gauge or other approved methods. When an

orifice meter gauge is tested and the differential and/or static element is found to be within two percent (2%), plus or minus, of the chart reading, such elements may be considered as accurate in compliance with Rule 4.4 of these rules. When the differential or static element is found to be in error, the respective element shall be adjusted to as near correct reading as practical.

#### 6.5. Periodic tests.

a. Periodic test schedule. -- All types of meters in service shall be periodically tested according to the schedule below:

##### 1. Displacement meters.

A. Group One. -- Displacement meters operating on a gauge pressure of less than two (2) pounds, and having a rated capacity of not more than 1,000 cubic feet per hour at 1/2 inch differential pressure, shall be tested at least every ten (10) years.

B. Group Two. -- Displacement meters operating on any pressure and having a rated capacity of more than 1,000 cubic feet per hour at 1/2 inch differential pressure, or smaller displacement meters if measuring gas at two (2) pounds gauge pressure or more, shall be tested on the basis of the index reading (cubic feet of gas passed at the normally prevailing pressure) according to the following schedule:

##### Normal Gauge Pressure Index Registration Between Tests

Less than 2 pounds 5800x The rated Hourly Capacity at one-half (.5) inch Differential Pressure.

2 to 25 pounds 4500x The rated Hourly Capacity at one-half (.5) inch Differential Pressure.

26 to 75 pounds 3000x The rated Hourly Capacity at one-half (.5) inch Differential Pressure.

76 to 200 pounds 2000x The rated Hourly Capacity at one-half (.5) inch Differential Pressure.

Over 200 pounds 1250x The rated Hourly Capacity at one-half (.5) inch Differential Pressure.

No meter in "group two" shall be allowed to remain in service longer than two (2) years without a test; however, such meters shall be tested free upon request, if such requests are not made more often than once each year.

##### 2. Orifice meters.

A. Meters measuring not more than 2,000 Mcf per month on the average shall have their differential and static recording gauges tested at least once every six (6) months.

B. Meters measuring 2,000 Mcf or more per month shall have their differential and static recording gauges tested at least once every two (2) months.

C. The diameter and condition of orifice plates, meter runs, straightening vanes, shall be checked at least once every year. The gravity of the gas determined at least once every six (6) months: Provided, however, That where previous or subsequent test records show that the specific gravity has not varied by an amount which would make an error in the measurement greater than is consistent with accepted engineering practice, the specific gravity of the gas may be determined at longer intervals, not to exceed one (1) year.

D. Nothing contained in this rule shall prevent the utility from removing and testing a meter at any time earlier than prescribed at its election.

### 3. Rotary meters.

A. For the purpose of testing rotary type meters the manufacturer's certificate of original test shall be accepted for original installation.

B. Subsequent tests shall be made by differential drop method at a period not to exceed one (1) year.

C. This differential drop test is to be compared to differential curve developed at operating pressure for various index rates at flow after meter installation. (This procedure is recommended as the original factory differential curve using air at approximate rates of flow is not applicable under operating condition measuring gas under pressure).

#### b. Reports to commission.

1. Every utility shall make reports to the Commission on Form E.D. No. 1, or such other forms as may be prescribed. Such reports shall contain complete information regarding meters tested, meters past due for tests, refunds, and all other information requested on the form.

2. A utility need not report meters in "group one" as being past due for test unless the meter is more than ninety (90) days past the ten (10) year test period.

3. The provisions of this section shall not relieve the utility of any of the requirements of Rule 4.4 regarding the manner of computing refunds due to fast meters.

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

6.6. Complaint test.

a. Application for test. -- Upon the written application to the Commission by a customer, a test will be made of the customer's meter, as soon as practicable, supervised by a representative of the Commission.

b. Fee for test. -- The application for the test shall be accompanied by a remittance of the amount fixed below as the fee for testing. This fee shall be retained by the Commission. However, if the meter is found to be more than two percent (2%) fast or slow, the utility shall reimburse the customer for the amount of the fee paid by him to the Commission for the meter test. The amount of the fee to be paid for a meter test shall be as follows:

For each gas service meter:

Not exceeding a rated capacity of 300 cu ft/hr -- \$5.00

Exceeding 300 cu ft/hr but not exceeding 1,000 cu ft/hr  
-- \$5.00

Exceeding 1,000 cu ft/hr -- \$10.00

Orifice meters -- \$10.00

c. Restrictions upon utility. -- This rule shall not interfere with the practice of a utility with reference to its tests of meters, except that in the event of application by a customer to the Commission for a complaint test as herein provided, the utility shall not knowingly remove, interfere with, or adjust the meter to be tested without the prior written consent of the customer, and approval of the Commission.

6.7. Request tests.

a. Action required. -- If any customer shall request in writing a test of the accuracy of the meter used by her/him, and the meter is not due for periodic test, the utility shall notify the customer of the conditions under which the test will be made by the utility. If the customer shall then request the utility to proceed with the test and remits an amount equal to one half of the scheduled cost of the complaint test (See Rule 6.6) but not less than five dollars (\$5.00), the utility shall make the test promptly. If, when tested, the meter is found to be more than two percent (2%) fast or slow, the amount advanced shall be promptly refunded to the customers if the meter is not found to be more than two percent (2%) in error, the utility shall retain the amount advanced by the customer for the test.

b. Customer's privilege. -- A customer may be present when the utility conducts the tests on his/her meter or, if he/she desires, may send an expert or other representative appointed by her/him.

c. Report to customer. -- A report giving the name of the customer requesting the test, the date of the request, the location of the premises where the meter had been installed, the type, make, size, and serial number of the meter, the date of removal, the date tested, the result of the test, and the amount of refund if the meter was found more than two percent (2%) fast, shall be supplied to such customer within ten (10) days after the completion of the test.

#### 6.8. Meter testing employees.

a. Meterman required. -- Every utility shall have in its employ, or shall have access to, one or more competent metermen whose duty it shall be to perform such tests as may be necessary to determine the accuracy of the utility's meters.

b. Certification of meterman. -- A utility desiring to certify an employee as a meterman 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 of the type shown on the card.

c. Experience required. -- No employee of a utility shall be authorized to test meters unless he has had at least six (6) months' experience in a utility gas meter shop, or equivalent experience, part of which time must have been spent working on the type meter for which authority to test has been requested. All tests must be made by an authorized meterman.

#### §150-4-7. Standards of quality of service.

##### 7.1. Heating value requirements.

a. Minimum heating value. -- The minimum average monthly heating value of any gas delivered into a distribution system shall not be less than one thousand (1,000) Btu per cubic foot for gas transported into West Virginia. When gas produced within this State has a heating value of less than one thousand (1,000) Btu per cubic foot, the utility shall furnish the Commission an analysis of the gas along with any other information the Commission may desire, prior to the delivery of the gas into a distribution system.

b. Extraction of hydrocarbons. -- No gas treated for the extraction of hydrocarbons shall be delivered for distribution where the heating value has been reduced lower than one thousand (1,000) Btu per cubic foot.

c. Reports to commission.

1. Each utility shall report to the Commission, annually the average heating value of its gas delivered into its system.

2. A utility whose natural gas is treated by itself or others for the extraction of hydrocarbons shall report to the Commission the extractions in accordance with the Uniform System of Accounts as prescribed by the Federal Energy Regulatory Commission, Account Nos. 770 through 791.

3. A utility whose natural gas is treated for the extraction of hydrocarbons shall report to the Commission the annual average heating value and specific gravity of the gas entering and leaving each extraction plant.

d. Method of determining heating value.

1. Each utility shall determine the average heating value of its gas by calorimeter, A. J. W. Headlee formula or other approved methods.

2. Determination of heating value shall be made of gas drawn from parts of the distribution system or pipelines remote from the laboratory, with such frequency and in such manner as is necessary to establish the average monthly heating value.

3. The heating value shall be the total heating value expressed at 14.73 psi absolute pressure and saturated with water vapor when determined by calorimeter or chemical analysis.

4. Calorimeter accuracy, as well as the method of determining heating value, shall be subject to the approval of a designated representative of the Commission.

e. Record of tests.

1. Each utility shall adopt a standard form for recording the results of heating value tests. Each determination of heating value shall be recorded originally upon the form adopted for that purpose, and the records shall be retained for a period of three (3) years. Where heating value is determined by an approved type recording calorimeter or recording gravitometer, the charts removed from such calorimeter or gravitometer will be deemed sufficient to comply with this rule.

2. It is not the intent of this rule that recording calorimeters or recording gravitometers be installed but the method of determining the average heating value shall be approved by a representative of the Commission.

7.2. Purity requirements. -- All natural gas distributed in this State shall be free from dangerous or objectionable quantities of impurities such as hydrogen sulphide, nitrogen or other combustible or noncombustible, noxious, or toxic gases, or other impurities. A gas shall be considered free from undesirable impurities when the quantity of any impurity present is within the limits recognized as allowable in good practice.

7.3. Gas pressure requirements.

a. Pressure districts. -- A utility shall divide the territory served by it into pressure districts and shall specify for each district or for the territory as a whole (which will then be regarded as a single district) the maximum pressure to be maintained within that district. The pressure adopted must be filed with the Commission.

b. Maximum pressure. -- The maximum pressure specified for any district shall not be greater than 15 inches (8.5 ozs.) of water column.

c. Minimum pressure. -- The pressure at the outlet of any low-pressure customer's service meter shall never be less than one half of the maximum pressure specified for the district in which the meter is located. In no case shall the minimum pressure be less than 3.5 inches (2 ozs.) of water column, unless due to insufficient capacity of the service line owned by the customer.

d. Changing pressure districts. -- After notifying the Commission, the utility may be at liberty to change the maximum pressure for any district with the provision that when any such change is made, all customer's appliances located within the territory for which the specified maximum is changed shall, if necessary, be readjusted by and at the expense of the utility.

e. Exceptions.

1. Higher pressures may be allowed by the Commission in exceptional cases after the presentation of factual data showing that adequate service cannot be supplied with existing facilities, and that it is impractical to make the necessary changes immediately. In all such cases the utility shall formulate a plan for eliminating the high pressure condition as soon as practical and economically possible.

2. A utility supplying gas shall not be deemed to have violated the provisions of this rule if it can be shown that variations from said pressures are due to:

A. Use of gas by the customer in violation of contract or rules of the utility or Commission.

B. Infrequent fluctuations of short duration due to unavoidable conditions of operation.

f. Pressure gauges. -- Every utility shall maintain and operate, on the low pressure side of each district regulatory serving fifty or more customers, at least one recording gas pressure gauge of suitable range. When more than one regulator is used to serve a single pressure district, recording pressure gauges need not be installed for each regulator. However, a sufficient number of recording pressure gauges shall be installed and operated in each distribution system to furnish a continuous record of the pressure prevailing in all parts of the plant.

g. Pressure surveys. -- Every utility shall make at least one pressure survey during the period of peak load (December, January or February) each year on each of its distribution plants. The pressures recorded shall be the pressures prevailing at the outlet of customers' meters in districts where the lowest pressures prevail. These records shall be available to representatives of the Commission at all times, and shall be preserved for a period of three years. The Commission may, in addition, require the utility to file a summary report of the pressure survey each year.

#### 7.4. Measurement of gas under high pressure.

a. Pressure-recording equipment required. -- When gas is measured through displacement meters at a pressure greater than standard distribution pressure, such meters shall be equipped with reliable pressure-volume recording gauges or other devices for accurately determining in accordance with contract or other tariff provisions the quantity of gas that has passed through the meter.

b. Determination of multiplier. -- In computing the volume of gas on a given pressure base from a pressure volume chart, the multiplier shall be obtained by the weighted average method, which method consists of determining the average pressure for each unit volume indicated on the chart.

c. Determination of static and differential pressure.

1. In computing the volume of gas at a given pressure base from an orifice meter chart, or charts, the average static pressure and the average differential pressure shall be determined for periods not exceeding one (1) hour; and where pressure variations are extreme during the hour, such average should be determined for fifteen (15) minute intervals.

2. Mechanical devices may be substituted for the above manual method of computing orifice meter charts.

7.5. Special rules for utilities furnishing manufactured or mixed gas.

a. Calorimeter equipment and laboratory.

1. Calorimeter required. -- Each utility selling manufactured or mixed gas shall provide and maintain a calorimeter of an approved type, and all necessary accessories therefor, unless provision is otherwise made, with the approval of the Commission, for the regular determination of the heating value of the gas sold.

2. Location of calorimeter. -- The calorimeter shall be installed in a laboratory, or other building, so located as to ensure that thoroughly mixed, stabilized, and representative samples of the gas, delivered to the customers, are used for the tests.

3. Calorimeter accuracy. -- The accuracy of all calorimeters, as well as the methods of making heating value tests, shall be subject to the approval of a designated representative of the Commission.

4. Additional test. -- Determinations of heating value shall be made of gas drawn from parts of the distribution system or pipelines remote from the laboratory with such frequency and in such manner as is necessary to establish the stability of the gas or for other test purposes.

b. Heating value tests.

1. Frequency of tests. -- Every utility selling manufactured gas, or a mixture of manufactured and natural gas, or a gas obtained by thermal treatment or other process for modifying the composition of natural gas, shall determine the heating value of the gas distributed to its customers daily or more frequently if necessary or required by the Commission.

2. Records of tests. -- Each utility shall adopt a standard form for recording the results of heating value tests. Each determination of heating value shall be recorded originally upon the form adopted for that purpose, and the records shall be retained for such period as the Commission may designate. Where heating value is determined by an approved type recording calorimeter, the charts removed from such a calorimeter, will be deemed sufficient to comply with this rule. The average heating value for each day and the monthly average heating value determined by these tests shall be recorded. These records must not be destroyed without Commission approval.

c. Heating value requirements.

1. Authorized standard of heating value. -- The monthly average heating value of the gas furnished by each

utility supplying manufactured or mixed gas in each community or territory served shall be not less than the standard heating value authorized by the Commission for the utility in that community. Unless otherwise ordered by the Commission, the authorized standard for each community shall be the standard of heating value currently in effect and approved by the Commission for the community. The authorized standard shall be subject to change at the option of the utility under the following conditions:

A. The Commission shall be notified in writing of the intention to change the standard of heating value. The notification shall be accompanied by a complete statement of the reasons for making the change, and by all available data regarding the cost and character of any alterations to plant, process, or materials used, which will be involved in the change.

B. No change of standard shall take effect, and no expenditures shall be incurred for the alteration of plant or equipment for the purpose of supplying gas at the new proposed standard until the Commission shall have approved the change of standard, or until thirty (30) days after the notification, data and schedules required by this rule shall have been submitted to the Commission. However, the provisions of this rule shall not be interpreted as forbidding expenditures for engineering services, experimental or development work needed to determine the character and cost of the proposed change.

C. The utility shall make, without charge to its customers, such adjustments and replacement of appliance parts as may be necessary to ensure all customers as safe, efficient and satisfactory service after the change of standard before.....

2. Average heating value. -- To obtain the average total heating value of a gas, the results of all tests of heating value made on any day shall be averaged, and the average of all the daily averages shall be taken as the monthly average: Provided, That in cases of unusual difficulty in maintaining uniformity of heating value, the daily and monthly weighted averages shall be determined if the variations exceed five percent (5%) above or below the authorized standard.

3. Maximum and minimum limits. -- The heating value of the gas shall be maintained with as little deviation as practicable; and to this end the weighted average total heating value on any one day should not fall below the monthly authorized standard by more than five percent (5%). Variations above the approved standard heating value will be allowed; provided the gases are interchangeable as determined by application of the interchangeability rule of the American Gas Association.

4. Heating value of gas transported. -- The heating value of gas which is compressed for transmission shall

be determined after compression and cooling to a temperature approximately equal to the temperature of the transmission mains. Where gas is distributed to different territories at different pressures, which result in more than negligible differences in condensation, the territories will be considered to be served with gases of different heating values.

5. Stability of gas. -- No utility shall distribute gas which contains combustible constituents which will condense under the conditions of its distribution to the extent of more than three percent (3%) of the total heating value of the gas. Periodic tests shall be made to determine compliance with this requirement.

d. Purity requirements. -- All manufactured gas distributed in this State shall be free from dangerous or objectionable quantities of impurities such as hydrogen sulphide, nitrogen or other combustible or noncombustible, noxious, or toxic gases, or other impurities. A gas shall be considered free from undesirable impurities when the quantity of any impurity present is within the limits recognized as allowable in good practice.

e. Tests of purity.

1. Each utility supplying manufactured or mixed gas shall test the gas daily for the presence of hydrogen sulphide by an approved method.

2. Each utility selling more than 100,000,000 cubic feet of manufactured or mixed gas per year shall provide and maintain such apparatus and facilities as are necessary for the determination of total sulphur and ammonia in the gas; and each such utility shall periodically (preferably semimonthly) determine the amount of total sulphur and ammonia in the gas distributed by it, and shall keep a record of the results of all such tests: Provided, however, That any such utility supplying only water, gas or oil, or mixture of these, shall not be required to provide apparatus for or make determinations of the amount of ammonia in the gas.

#### §150-4-8. Safety requirements.

8.1. Accidents. -- Every utility shall keep a record of every accident happening in connection with the operation of its plant, station, property, and equipment, whereby any person shall have been killed, or seriously injured, or any property damaged or destroyed, with a full statement of the cause of such accident, and the precautions taken to prevent similar accidents in the future.

8.2. Odorization of natural gas.

a. Where and when used. -- Each utility furnishing natural gas to domestic or commercial customers, churches, schools or public buildings, shall determine whether or not the presence of gas can be detected by odor when diluted with air at a concentration of not more than twenty percent (20%) of lower explosive limits. If the presence of gas cannot be detected, then that gas shall be odorized as stated in Sections b and c of this rule.

b. Safety of odorant. -- The odorant used shall be harmless and nontoxic and shall be noncorrosive to materials such as steel, iron, brass, bronze or leather, and shall not be soluble in water to a greater extent than two and one-half (2 1/2) parts, by weight of odorant to one hundred (100) parts, by weight of water.

c. Specifications. -- The odorant to be introduced into natural gas shall be of such character as to indicate by distinctive odor the presence of gas when such gas is present in concentrations not greater than one percent (1%) by volume. By this, it is meant that the gas shall be given an odor by adding an agent that will vaporize, dissolve in or be mixed with the gas so as to produce an odor readily perceptible to normal or average olfactory sense of a person coming from fresh ungasified air when gas is present in concentrations of not more than one part to ninety-nine (99) parts air.

d. Report to Commission. Each utility shall file with the Commission a report of its plan for odorization.

e. Notice to customers.

1. The utility shall give notice to its customers in the area in which gas has been odorized.

2. It is not intended from these rules that an odorant be introduced into main transmission, field or gathering lines. However, if a church, school or public building is supplied with gas service from any of the above lines, the service line and building piping to such church, school or public building shall be tested by pressure drop method.

8.3. Approval of standard safety requirements concerning customer connections. -- Every utility shall include a statement in its tariff on file with the Commission which shall list or set forth the title of the publication listing all safety requirements and provisions adopted by the utility governing the installation and maintenance of customers' gas appliances, service lines or piping. Each utility shall keep a copy of such safety requirements and provisions available for public inspection at each of its offices.

§150-4-9. Rules and regulations governing gas pipeline safety.

9.1. Intentions.

a. Pursuant to the powers vested and the authority given under Chapter 24B, Code of West Virginia, the Public Service Commission of West Virginia prescribes, adopts and issues the following rules and regulations governing the transportation of natural and other gas by pipeline. These rules are intended to ensure uniformity and are designed to decrease accidents, save human lives, reduce property loss, and otherwise benefit the pipeline companies and the public.

b. The adoption of these rules and regulations shall in no way preclude the Public Service Commission from altering them or amending them in whole or part, and from requiring any additional information either upon complaint, its own motion, or upon application of any pipeline company. These rules and regulations are intended to supplement the statute and shall not relieve in any way a pipeline company of its duties under the laws of this State.

9.2. Application of rules. -- These rules shall apply to (a) all pipeline companies, and (b) interstate transmission facilities, as hereinafter defined.

9.3. Adoption of federal regulations. -- The regulations promulgated by the Office of Pipeline Safety of the United States Department of Transportation, published in Title 49 CER Parts 191 and 192, shall apply to all pipeline companies and interstate transmission facilities.

9.4. Rules of practice and procedure. -- The Rules of Practice and Procedure adopted by the Commission where appropriate and applicable shall apply to all pipeline companies.

9.5. Definitions.

a. When used in these rules:

1. "Act of 1968" means the act of Congress known as the Natural Gas Pipeline Safety Act of 1968;

2. "Commission" means the public service Commission of West Virginia;

3. "Director" means the director of the Gas Pipeline Safety Division of the Commission;

4. "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive;

5. "Interstate transmission facilities" means facilities used in the transportation of gas which are subject to the jurisdiction of the Federal Energy Regulatory Commission under the act of Congress known as the Natural Gas Act;

6. "Operator" means a person who engages in the transportation of gas;

7. "Person" means any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof;

8. "Pipeline company" means a person engaged in the operation of pipeline facilities or the transportation of gas subject to the provisions of Chapter 24B of the West Virginia Code;

9. "Pipeline facilities" means new and existing pipe, pipe right-of-way and any equipment, facility, or building used in the transportation of gas or the treatment of gas during the course of transportation;

10. "Rural" means those locations which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area which the Director may define as a nonrural area;

11. "System" means all pipeline facilities used by a particular operator in the transportation of gas, including but not limited to, line pipe, valves and other appurtenances connected to line pipe, compressor units, fabricated assemblies associated with compressor units, metering (including customers' meters) and delivery stations, and fabricated assemblies in metering and delivery stations;

12. "Transportation of gas" means the gathering, transmission or distribution of gas by pipeline or its storage.

#### 9.6. Accidents or incidents.

a. Every operator shall report to the Commission all accidents or incidents involving its pipeline facilities operated within the State of West Virginia that cause personal injuries requiring hospitalization, fatality, or estimated damage to the property of the operator, or others, or both, totaling one thousand dollars (\$1,000) or more.

b. The Commission shall be notified of all such accidents or incidents as soon as possible, consistent with public welfare and safety. In those instances where a telephonic report to the Department of Transportation is required, a similar report of the accident or incident shall be made by telephone or telegraph to:

Public Service Commission

Gas Pipeline Safety Division

P. O. Box 812

Charleston, West Virginia 25323

Telephone: Area Code (304) 340-0473

c. Every operator shall furnish to the Commission, within twenty (20) days after the occurrence of a reportable accident or incident, a written report of such accident or incident, together with a summary of the operator's investigation as to the cause and circumstances surrounding the accident or incident. The report shall be made on the Commission form designated Accident or Incident Report, or on a form acceptable to the Commission showing the same information. Such report shall also contain the precautions taken, or to be taken, to prevent similar accidents or incidents in the future.

1. If certain information is not available, the incomplete report should be submitted indicating this unavailability. When the information becomes available, a supplemental report will be submitted.

d. Operators that submit reports of accidents or incidents to federal agencies are permitted to file copies of such reports with this Commission in lieu of the report required by Section 9.6.c.

#### 9.7. Inspection and maintenance plans.

a. Every operator shall file with the Commission a plan for the inspection and maintenance of pipeline facilities owned or operated by it, and shall subsequently file any changes in such plan. The plan shall cover gas transmission facilities, distribution facilities, and those gathering or production facilities located in nonrural areas. The essential requirements stated in title 49 CFR Part 192.605, shall be covered by the plan. If at any time the Director finds that such plan is inadequate to achieve safe operation, the Director shall, after notice and opportunity for a hearing, require such plan to be revised. (NOTE: It is not the intent to require the operators that have complied with the provisions of this rule to refile upon the effective date of these rules and regulations).

b. Any change in the inspection and maintenance plan required by Section 9.7.a must be filed with the Commission within ten (10) days of the effective date of said change.

#### 9.8. Major construction.

a. Every operator shall notify the commission of all important additions to its system at least thirty (30) days prior to the commencement of any construction.

1. The requirements of Section 9.8.a. shall not apply to gathering pipelines in rural areas.

2. An important addition is a single project, other than well drilling, involving an estimated expenditure of fifty thousand dollars (\$50,000), or more, or an amount equivalent to ten percent (10%) or more of the total value of the system in service, whichever is less.

b. The report shall include the following:

1. Description and location of project and expected starting and completion dates, along with the name, address and telephone number of the person to be contacted regarding the project.

2. Maximum allowable operating pressure.

3. Location class.

4. Material specifications in sufficient detail to permit appraisal of the safety aspects of the facility.

5. Pressure testing procedures to be used.

c. Every operator shall place on file with the Commission information concerning the welding and inspection procedures to be followed during the construction of new facilities.

9.9. Completion report. -- Within sixty (60) days after the completion of an addition, a report shall be filed with the Commission which certifies that the facilities were constructed according to the previously submitted major construction report required by Section 9.8. The completion report shall also include the pressure test data for the project.

9.10. Penalties. -- Any person who violates any provision of these rules and regulations or orders issued thereunder, shall be subject to the criminal and civil penalties ascribed and imposed by sections one through five, inclusive, article four, chapter twenty-four, and section six, article four, chapter twenty-four-b, all of the Code of West Virginia. Such sanctions and penalties include, but are not limited to, a civil penalty to be imposed by the Commission of not to exceed one thousand dollars (\$1,000) for each violation for each day that the violation persists: Provided, That the maximum civil penalty shall not exceed two hundred thousand dollars (\$200,000) for any related series of violations, with the right of appeal in all cases to the Supreme Court of Appeals.

9.11. Availability of information. -- Information concerning the implementation of the Natural Gas Pipeline Safety Act may be obtained from the Office of Pipeline Safety,

Department of Transportation, 400 7th St., S.W., Washington, D.C. 20590, or the Gas Pipeline Safety Division, Public Service Commission of West Virginia, 201 Brooks Street, P. O. Box 812, Charleston, West Virginia 25323.

§150-4-10. Promotional practices.

10.1. Declaration of public policy. In the public interest and pursuant to the powers vested in it, the Commission declares that any utility in designing and implementing any such promotional practice or practices shall consider what impact, if any, such promotional practice or practices will have upon the conservation of energy, and the utility shall not implement any practice or practices which shall have an adverse affect upon conservation, or which cannot be justified from a rate-payer benefit/utility cost standpoint. However, any promotional practice which encourages utility customers to install higher efficiency appliances of the same energy source is consistent with the conservation of energy and in the public interest.

10.2. Prohibited promotional practices. -- A public utility or its affiliate shall not, without first obtaining the approval of the Commission, engage, directly or indirectly, in any of the following promotional practices:

a. The financing of land or the construction of any building when same is not owned or otherwise possessed by the utility or its affiliate;

b. The furnishing of consideration to any person for work done or to be done on property not owned or otherwise possessed by the utility or its affiliate; except for studies to determine comparative capital or operating costs and expenses or to show the desirability or feasibility of selecting one form of energy over another;

c. The acquisition from any person of any tangible or intangible property or service for a consideration in excess of the value thereof, or the furnishing to any person of any tangible or intangible property or service for a consideration of less than the value thereof;

d. The furnishing of consideration to any person for the sale, installation or use of appliances or equipment;

e. The provision of free, or at less than cost or value, piping, appliances or equipment to any person: Provided, That a utility, engaged in an appliance merchandising sales program, shall not be precluded from conducting legitimate closeouts of appliances, clearance sales, or sales of damaged or returned appliances;

f. The provision of free, or at less than cost or value, installation, operation, repair, modification or maintenance of appliances, equipment, or piping of any person;

g. The granting of a trade-in allowance on the purchase of any appliance or equipment in excess of the value of the trade-in; or the granting of a trade-in allowance for such appliance or equipment when such allowance varies by the type of energy consumed in the trade-in;

h. The financing of the acquisition of any appliance or equipment at a rate of interest or on terms significantly more favorable than those generally applicable to sales by nonutility dealers in such appliances or equipment;

i. The furnishing of consideration to any person for any advertising or publicity purpose of such person; except for payments not exceeding one half (1/2) of the reasonable cost or value for joint advertising or publicity with a dealer in appliances or equipment for the sale or other provision of same;

j. The guaranteeing of the maximum cost of gas utility service.

k. The above prohibition shall not apply to any practice which encourages utility customers to replace existing appliances with higher efficiency appliances of the same energy source. However, the rule shall not be construed as Commission assurance of cost recovery for such a practice. Cost recovery shall be appropriately addressed in rate cases where the utility shall have the burden of proving the reasonableness and prudence of its practices.

ED. NOTE: All forms are available from the P.S.C.



(Front)  
METERMAN'S CARD

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA  
Charleston, West Virginia

No. \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
(Name of Employee)

is hereby authorized to test the following type or types of gas meters.

1. Domestic Gas Meters (Bell Type Prover) ..... \_\_\_\_\_
2. Large Displacement or Proportional Gas Meters ..... \_\_\_\_\_
3. Orifice Meters ..... \_\_\_\_\_

Utility \_\_\_\_\_

Shop \_\_\_\_\_

Location \_\_\_\_\_

(over)

Gas Engineer \_\_\_\_\_

(Back)  
RULE 24-AUTHORIZED METERMAN

**Meterman Required.** -(a) Every utility shall have in its employ one or more competent metermen whose duty it shall be to perform such tests as may be necessary to determine the accuracy of the utility's meters.

**Certification of Meterman.** -(b) A utility desiring to certify an employee as a meterman must secure a qualification card from the Commission; having 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 of the type shown on the card.

**Experience Required.** -(c) No employee of a utility shall be authorized to test meters unless he/she has had at least six (6) months' experience in a utility gas meter shop or equivalent experience, part of which time must have been spent working on the type meter for which authority to test has been requested. All tests must be made by an authorized meterman.

**Reports to Commission.** -(d) Each utility shall file on or before February 1st, each year, a list of personnel in its employ authorized to test meters.

The utility shall notify the Commission and shall take up and return the meterman's card when a certified meterman ceases to be in its employ.

All metermen authorized to test gas meters on the effective date of these rules and regulations shall execute and file within sixty (60) days, a qualification card; whereupon a new authorization card will be issued to such employee.

(Front)  
**GAS UTILITY REPORT**

REPORT OF METERS, CUSTOMERS AND REFUNDS  
 TO THE  
 ENGINEERING DIVISION  
 THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA  
 Charleston

THIS REPORT TO BE MADE MONTHLY BY UTILITIES HAVING 300 OR  
 MORE METERS  
 THIS REPORT TO BE MADE QUARTERLY BY UTILITIES HAVING LESS  
 THAN 300 METERS

Name of Utility \_\_\_\_\_ Operating District \_\_\_\_\_  
 Period Covered by this Report \_\_\_\_\_ To \_\_\_\_\_  
 Number of Orifice Gauges Tested During This Period- Static \_\_\_\_\_ Differential \_\_\_\_\_  
 Number of Orifice Plates Checked for Diameter and Condition During This Period \_\_\_\_\_  
 Number of Specific Gravity Determinations Made During This Period \_\_\_\_\_  
 \*Number of Meters from Service, Displacement or Proportional, Tested During This Period Were:  
 More Than 2% Slow \_\_\_\_\_; More Than 2% Fast \_\_\_\_\_; \*\*\*D.R. \_\_\_\_\_ \*\*\*D.P.G. \_\_\_\_\_  
 Total \_\_\_\_\_ 0 to 2% Slow \_\_\_\_\_; 0 to 2% Fast \_\_\_\_\_; Correct \_\_\_\_\_; Total \_\_\_\_\_  
 \*\*Number of New Meters or Old Meters not from Service Tested During  
 This Period \_\_\_\_\_  
 Total Meters Tested During This Period \_\_\_\_\_  
 Number of Tests Made at Customers' Request as per This Report \_\_\_\_\_  
 Number of Tests Made at Commission's Request as per This Report \_\_\_\_\_  
 Past Due for Test-Displacement Meters \_\_\_\_\_ Proportional Meters \_\_\_\_\_  
 Orifice Gauges \_\_\_\_\_ Orifice Plates \_\_\_\_\_ Specific Gravity \_\_\_\_\_

	Metered Customers	Unmetered Customers	Total Customers
Number Domestic Customers Served .....	_____	_____	_____
Number Commercial Customers Served .....	_____	_____	_____
Number Industrial Customers Served .....	_____	_____	_____
Number All Customers Served .....	_____	_____	_____
<b>Total Number of Customers - All Classes</b>	_____	_____	_____

\*Number of Refunds to be Made Account Fast Meters Found During This Period \_\_\_\_\_  
 Total Amount of Refunds Account of Fast Meters Found During This Period \_\_\_\_\_  
 \_\_\_\_\_  
 Number of Customers to be Billed Account of Slow Meters Found During This Period \_\_\_\_\_  
 \_\_\_\_\_  
 Total Amount to be Billed Account of Slow Meters Found During This Period \_\_\_\_\_

**NOTES:**

\*Make special note if any Meters more than 2% fast or slow recorded above were used to measure service for company's use, free customers, customers who had a minimum bill for 3 months previous to date of test, or any other special condition.

\*\*All new meters must be tested and a record made of their condition before being installed, but a report of their percent condition on in test is not required.

\*\*\*D.R. - Means meter does not register.

\*\*\*D.P.G. - Means meter does not pass gas.

(over)

(Back)  
VERIFICATION

STATE OF \_\_\_\_\_

SS:

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ being duly sworn says that he/she is  
(Insert Here Name of Affiant)

\_\_\_\_\_ of  
(Insert Here the Official Title of the Affiant)

\_\_\_\_\_ of  
(Insert Here the Exact Legal Title or Name of the Utility)

that it is his/her duty as \_\_\_\_\_ to have supervision over the testing of all meters of the utility in the \_\_\_\_\_ operating district; that the meter tests as set out in the foregoing report during the period covered thereby have been made; that the said report has been prepared in accordance with instructions contained in the Gas Service Rules of the Public Service Commission of West Virginia; that he/she has carefully examined the said report and that the entries contained therein are true and correct to the best of his/her knowledge and belief; that the said report is a correct record in the detail prescribed by the Gas Service Rules of the Public Service Commission of West Virginia of all gas meter tests made in the shops of the above named utility during the \_\_\_\_\_ period of time from and including \_\_\_\_\_, 19\_\_\_\_, to and including \_\_\_\_\_, 19\_\_\_\_; and that the accuracy of all meters installed during the period covered by the report were within the limits specified by the rules and regulations of the Public Service Commission. Except, due to an emergency, meters as shown below were installed without the required test:

_____	_____	_____
Small Displacement Meters	Large Displacement or Prop. Meters	Orifice Meters

The meters installed under the emergency will be removed and tested as soon as practical I further certify that I am the duly authorized agent of the utility company to make this oath

\_\_\_\_\_  
(Signature of Affiant)

Taken, sworn to and subscribed before me, the undersigned authority, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, as witness my hand and official seal.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

AFFIX SEAL  
HERE

**GAS STATISTIC - WEST VIRGINIA**

Name of Company \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_ \*\*\*\*  
**INPUT** **M.C.F.** **M.C.F.**

**WEST VIRGINIA:**

Produced .....  
Purchased:  
    From Non-Utilities .....  
    From Utilities .....  
    Total Purchased .....  
Gas Received from Storage .....  
Gas Received for Transport to Other Companies ....  
Exchange Gas Received (Gross) .....  
    Total West Virginia .....

**\*IMPORTED FROM OTHER STATES:**

Purchased .....  
Produced by Company .....  
Exchange Gas Received (Gross) .....  
    Total Imports .....  
    Total Input .....

**OUTPUT**

**WEST VIRGINIA:**

Regulated Sales .....  
Non-Regulated Sales:  
    To Utilities .....  
    To Others .....  
    Total Non-Regulated Sales .....  
Gas Transferred to Storage .....  
Transport Gas Delivered to Other Companies .....  
Exchange Gas Delivered (Gross) .....  
Shrinkage due to Gasoline Extraction or Processing  
Company Use .....  
Free Gas .....  
Unaccounted for Gas .....  
    Total West Virginia .....

**\*\*EXPORTED TO OTHER STATES:**

Sales to Utilities in Other States .....  
Sales to Utilities at State Line for Export .....  
Other Out-of-State Sales .....  
    Total Sales .....  
Exchange Gas Delivered (Gross) .....  
Company Use .....  
    Total Exports .....  
    Total Output .....

**SALES - WEST VIRGINIA**

	<b>***Regulated</b>	<b>Nonregulated</b>	<b>Total</b>
Residential .....	_____	_____	_____
Commercial .....	_____	_____	_____
Industrial .....	_____	_____	_____
Public Street and Highway Lighting .	_____	_____	_____
Other Sales to Public Authorities ..	_____	_____	_____
Inter-Departmental Sales .....	_____	_____	_____
Other Sales .....	_____	_____	_____
<b>TOTAL SALES</b> .....	_____	_____	_____

\*Determined by point of origin, and point of receipt or ownership.

\*\*Determined by point of delivery and point of use; or sale.

\*\*\*Include only sales regulated by P.S.C. of West Virginia.

\*\*\*\*Calendar year summary required.

GAS STATISTICS - WEST VIRGINIA  
STORED GAS

COMPANY	MONTH	YEAR
In Storage Beginning of Period		
Placed in Storage During Period		
TOTAL		
Withdrawn from Storage During Period		
In Storage End of Period		

Name of Company	EXCHANGE GAS in West Virginia			Importe
	EXCHANGE-IN	For Delivery	Line Loss Allowance	In Transit For Delive
1.				
2.				
3.				
4.				
5.				
TOTAL				
EXCHANGE-OUT	XX		XX	XX
1.				
2.				
3.				
4.				
5.				
TOTAL				

Items	MISCELLANEOUS	
	Production	Transmission
Free Gas		
Lost and Unaccounted-For Gas (Estimated if Not Measured)		
Gas Transported for Others		

GAS STATISTICS-ALL STATES

Company ..... Month ..... Year .....\*\* M.C.F. M.C.F.

INPUT

Produced .....  
 Purchased:  
     From Utilities .....  
     From Others .....  
         Total Purchases .....  
 Exchange-in (Gross) .....  
         TOTAL INPUT .....

OUTPUT

\*Regulated Sales .....  
 Non-Regulated Sales:  
     To Utilities .....  
     To Others .....  
         Total Sales .....  
 Shrinkage Due to Gasoline Extraction or Processing .....  
 Exchange-Out (Gross) .....  
 Company Use .....  
 Free Gas .....  
         TOTAL OUTPUT .....

\*REGULATED SALES

Residential .....  
 Commercial .....  
 Industrial .....  
 Public Street and Highway Lighting .....  
 Other Sales to Public Authorities .....  
 Interdepartmental Sales .....  
 Other Sales .....  
         TOTAL REGULATED SALES .....

\*Includes only regulated sales.  
 \*\*Calendar year summary required.

VERIFICATION

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_, to-wit:

\_\_\_\_\_  
\_\_\_\_\_ of the \_\_\_\_\_  
(Officer, Partner or Owner) Company

the applicant(s) named in the foregoing application, being duly sworn, says that he knows the contents of said application, and that the facts therein are true and are accurately based upon the books and records of the company.

\_\_\_\_\_  
\_\_\_\_\_  
(Title)

Taken, sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My Commission expires \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

Contact Officer \_\_\_\_\_

Telephone Number \_\_\_\_\_

GAS STATISTICS - ALL STATES

COMPANY	MONTH	YEAR
STORAGE GAS MCF		
In Storage Beginning of Period		
Placed in Storage During Period		
Withdrawn from Storage During Period		
In Storage End of Period		

EXCHANGE GAS M.C.F.			
Exchange In		All States	
Company	Redelivery	Allowance for Line Loss	In Transit
1.			
2.			
3.			
4.			
5.			
Total			

Exchange Out			
Company	Redelivery	Allowance for Line Loss	In Transit
1.			
2.			
3.			
4.			
5.			
Total			

MISCELLANEOUS				
	Production	Transmission	Distribution	Total
*Lost and Unaccounted for Gas M.C.F.				

FREE GAS M.C.F.				
GAS TRANSPORTED FOR OTHER				

--	--	--	--	--

\* Estimated if not measured



Public Service Commission of West Virginia

CERTIFICATION OF REVENUE DEFICIENCY

SUMMARY REPORT

For Billing Month of \_\_\_\_\_, 19\_\_\_\_ to \_\_\_\_\_, 19\_\_\_\_

	SSI	AFDC	AFDC-U	FOOD STAMPS +60	TOTAL
(1) Total Applications Received					
(2) Total Applications Rejected					
(3) Number of Customers Given Discount					
(4) Total Number of Discounted Bills Rendered					
(5) Total Amount Which Would Have Been Billed at Non-Discounted Rates*					
(6) Total Amount Billed at Discounted Rates*					
(7) Revenue Deficiency \$ (5) - (6)					

Specify ALL rates and charges to which 20% discount was applied.

\_\_\_\_\_

\_\_\_\_\_

\* Including forfeited discounts or penalties, but excluding local taxes.

Public Service Commission of West Virginia

CERTIFICATION OF REVENUE DEFICIENCY

REPORT

For The Billing Month of \_\_\_\_\_, 19\_\_\_\_

	SSI	AFDC	AFDC-U	FOOD STAMPS +60	TOTAL
(1) Eligible Customers From Previous Period					
(2) Applications Received This Period					
(3) Applications Rejected This Period*					
(4) Customers Who Became Ineligible This Period					
(5) Eligible Customers This Period (1 + (2-3) -4)					
(6) Revenue Deficiency \$					

\* List, by general category, reasons for rejection of application for special reduced rates (Example: Applicant not Qualified Customer - #).

Continue on separate sheet.

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(Insert Company Name Here)

NOTICE OF SCHEDULED TERMINATION OF SERVICE AND CUSTOMER RIGHTS

We have scheduled your \_\_\_\_\_ service provided at \_\_\_\_\_ for termination on or after \_\_\_\_\_ (address) \_\_\_\_\_ (date)

This action has been taken for the following reason(s):

(Include reason and facts resulting in decision to terminate service).

If your service is terminated you may be subject to additional charges involving reconnect fees and deposit requirements in order to restore service.

YOU HAVE THE RIGHT TO CHALLENGE THE TERMINATION IF YOU BELIEVE ANY OF THE FOLLOWING CONDITIONS APPLY TO YOU:

- 1. Any portion of the bill is in dispute
2. You are being charged for service not received
3. The information above is incorrect
4. You are unable to pay the bill in accordance with the billing, and termination of service would be especially dangerous to the health or safety of a member of your household
5. You are able to pay only in installments

If the reason for your challenge is 1, 2, or 3 above, you will have to pay any amount not in dispute. If the reason for your challenge is 4 or 5, we will attempt to negotiate a deferred payment plan with you.

YOU MUST NOTIFY US BEFORE THE DATE OF TERMINATION IN ORDER TO PROTECT YOUR RIGHTS UNDER THIS RULE:

(Provide instructions for contacting the appropriate utility personnel by telephone and mail, including business hours)

You should also inform us if you are 65 years or older, or regardless of age, if you are physically, mentally, or emotionally incapacitated.

Once you have notified us of your challenge, we will schedule a meeting at the business office nearest to your residence and try to resolve your problem. At your option, the discussion of your challenge may be made over the telephone. IF YOU ARE NOT SATISFIED WITH OUR DECISION AT THIS MEETING, YOU WILL HAVE SEVEN DAYS IN WHICH TO FILE AN APPEAL WITH THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA. You will be required to pay your current bill while the appeal is pending. There is no charge associated with filing an appeal and you may do so without the assistance of an attorney.

To file an appeal with the PSC, you may call this toll free telephone number 1-800-642-8544 or write to this address:

Utility Appeal  
Public Service Commission of West Virginia  
P.O. Box 812  
Charleston, West Virginia 25323

If you are in need of assistance to pay your bill you should contact the following agencies: (List agencies in service area)

If you desire the assistance of a lawyer with regard to the scheduled termination and are unable to pay for legal counsel, contact one of the following low income legal assistance organizations: (List agencies in service area)