



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

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, E. DANDRIDGE McDONALD, CHAIRMAN,
Title or Position

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA, hereby submit to record in
Department or Division

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

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

This filing pertains to

Chapter 24
Article 1
Series V
Section 4.02
Page No. _____

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

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE July 21, 1983
Administrative Law Division

07/20/83
Date Submitted
E. Dandridge McDonald
Signature of Person Authorizing
this Filing

PSC
Adm. Reg. 24-1
Series V

GENERAL ORDER NO. 186.2

IN THE MATTER OF REDUCED UTILITY
DEPOSITS FOR ALL RESIDENTIAL SEWER
UTILITY CUSTOMERS.

Proceeding Upon Commission's Own Motion

NOTICE OF FILING OF PROPOSED RULES
AND OPPORTUNITY FOR PUBLIC COMMENT

By Order entered on July 20, 1983, these proposed rules and regulations were promulgated by the Public Service Commission of West Virginia as proposed legislative rules pursuant to the Commission's obligations under West Virginia Code §24-3-8. These rules relate to establishing a new deposit rule, pursuant to statute, which required only one-twelfth (1/12) rather than one-sixth (1/6) of the estimated annual charge to the residential utility customer for such service. These rules are being promulgated in accordance with the provisions of the West Virginia Administrative Procedures Act in effect at the time of the filing of the proposed rules in the Secretary of State's Office as the same applies to the Public Service Commission.

Any interested parties desiring to comment on the proposed rules shall do so by filing written comments and/or testimony with the Commission on or before August 22, 1983, and directed to:

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

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

THIS DATE 7/21/83
Administrative Law Division

PSC
Adm. Reg. 24-1
Series V

Notice of Filing

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

PSC
Adm. Reg. 24-1
Series V

AMENDMENT TO RULES AND REGULATIONS
FOR THE GOVERNMENT OF SEWER UTILITIES

PROPOSED RULES

STATEMENT OF AUTHORITY

This rule is a legislative rule as defined in West Virginia Code §29A-1-2(d) and (i). This rule relates to the authority of the Public Service Commission of West Virginia, pursuant to West Virginia Code §§24-1-1, 24-2-1, 24-2-2, 24-2-5, 24-2-7(a), 24-2-8, 24-2-9, 24-2-14, 23-3-1, 24-3-5, 24-3-7 and 24-3-8. The Public Service Commission is authorized to issue rules and regulations as may be necessary to carry out the provisions of Chapter 24 of the West Virginia Code, including the Code sections listed above, by West Virginia Code §24-1-7.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 7/21/83
Administrative Law Division

PSC
Adm. Reg. 24-1
Series V

GENERAL ORDER NO. 186.2

IN THE MATTER OF REDUCED UTILITY
DEPOSITS FOR ALL RESIDENTIAL SEWER
UTILITY CUSTOMERS.

Proceeding Upon Commission's Own Motion

FISCAL NOTE

This is a Fiscal Note issued pursuant to §§29A-3-4, 29A-3-5, 29A-3-9, and 24-1-7 of the West Virginia Code, relating to General Order No. 186.2, In the Matter of Reduced Utility Deposits For All Residential Sewer Utility Customers.

I. OBJECTIVES OF THE RULE

The purpose of these rules and regulations is to establish requirements for the effectuation of the legislative mandate expressed in West Virginia Code §24-3-8. The rules and regulations relate to establishing a new deposit rule, pursuant to statute, which requires only one-twelfth (1/12) rather than one-sixth (1/6) of the estimated annual charge to the residential utility customer for such service.

II. COST OF IMPLEMENTING THE ATTACHED PROPOSED RULES

A. Cost of Implementation for the State

The administration and enforcement of these rules will require no new personnel, equipment or supplies

and will require no substantial changes in work assignments or procedures.

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

Since employees of the utilities will be able to provide the information and material required by the proposed rules, the cost to sewer utilities will be minimal.

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

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

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

The purpose of the rules is to insure that consumers are paying the residential utility deposit required by statute. Consequently, the rules and regulations should have a favorable impact upon the residents of this State who are residential utility consumers.

DATE

07/20/83

AGENCY

Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Ernest Anderson



STATE OF WEST VIRGINIA
PUBLIC SERVICE COMMISSION
CHARLESTON, 25305

CERTIFICATION

I, E. Dandridge McDonald, Chairman of the West Virginia Public Service Commission, do hereby certify that the rules and regulations contained herein are lawfully proposed legislative rules of the West Virginia Public Service Commission.

E. Dandridge McDonald

07/30/83
Date

4.02 CUSTOMER DEPOSITS

(1) Security Deposits -

- (a) Security Deposit - A utility may require the applicant or customer to make a deposit as a guarantee of the payment for sewer service. 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 sewer service until the above condition is fulfilled. After the customer has paid for service for twelve consecutive months, the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve months' period shall commence from the first regular payment or following the payment of a past due bill or bills. Interest at the rate of eight (8) percent per annum shall be paid from the date of deposit until refund date. The utility shall have a reasonable time, not to exceed thirty (30) days, to ascertain that the obligations of the customer have been fully performed before being required to return any deposit

in the case where there has not been an automatic refund.

- (b) Record of Deposit - Each utility holding a cash deposit shall keep a record showing: (i) the name and current address of each depositor; (ii) the amount and date of the deposit; and (iii) each transaction concerning the deposit.
- (c) The Receipt - Concurrently with receiving a cash deposit, the utility shall deliver to the applicant for service, or customer, a receipt showing: (i) the date thereof, (ii) the name of the applicant or customer and the address of the premises served or to be served, (iii) the service furnished or to be furnished; and (iv) the amount of the deposit and the rate of interest to be paid thereon. Each utility shall provide automatic means to refund the deposit of a customer, when he is so entitled, if the original receipt cannot be produced. A receipt or proof of payment will not be necessary under the provisions for an automatic refund.
- (d) Unclaimed Deposits - Should a utility have retained, through no fault of its own, deposits made by

customers whose service has been discontinued, it shall, on or before the first day of March, in each year, publish a list of such depositors in a newspaper of general circulation in the county 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 such deposit, together with the interest due thereon, and notifying depositors listed therein that their deposits, together with accrued interest, are being held to their credit and will be returned upon request. The utility will not be liable for any interest on such deposits after publication of such lists. Deposits remaining in the hands of the utility upon the completion of the above procedure shall be considered as derelict property and shall escheat to the State of West Virginia under the provisions of the Code of West Virginia, Chapter 34, Article 2.

(2) Guaranty Agreement -

- (a) A utility may accept, in lieu of the cash deposit, a guaranty agreement signed by a financially responsible guarantor, whereby payment of a speci-

fied sum, not exceeding the cash deposit aforesaid, is guaranteed. The guarantor shall receive copies of disconnection notices sent to the customer whose account has been guaranteed. Provided, however, that the limitations herein fixed upon the terms of a guaranty agreement shall not apply to industrial customers.

- (b) Guaranty agreements shall terminate after the customer has satisfactorily paid bills for service for twelve consecutive months, or when a 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 Cash to 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.