

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED
1988 FEB 17 11 2 30

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Public Service Commission TITLE NUMBER: 150

RULE TYPE: Legislative; CITE AUTHORITY §§24-1-17, 24-2-12

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Rules and Regulations for the
Government of Sewer Utilities

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON March 18, 1988 AT 12:00 noon.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Howard M. Cunningham
Executive Secretary
Public Service Commission
P. O. Box 812
Charleston, WV 25323

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SUMMARY OF PROPOSED RULE

W.Va. Code §16-13A-9 grants sewer utilities the authority to covenant and contract with water utilities for termination of water service for nonpayment of sewer service fees and charges in certain cases.

The purpose of the proposed rule change is to amend the existing rule 4.05 of the Rules and Regulations for the Government of Sewer Utilities. Sewer Rule 4.05 provides for utility discontinuance of service. The proposed amendment parallels the changes made to the Rules and Regulations for the Government of Water Utilities in General Order 188.4 and carries out the statutory mandates of W.Va. Code §16-13A-9.

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IN THE MATTER OF

The amendment of Rule 4.05, Utility Discontinuance of Service, of the Commission's Rules and Regulations for the Government of Sewer Utilities.

FISCAL NOTE

This is a fiscal note issued pursuant to §§29A-3-4, 5 and 9 and 24-1-7 of the West Virginia Code, relating to General Order No. 188.3.

I. OBJECTIVES OF THE RULE

The purpose of these rules is to provide guidelines in carrying out the provisions for the termination of water service for nonpayment of sewer bills as provided in West Virginia Code §16-13A-9.

II. COST OF IMPLEMENTING THE PROPOSED RULES

There will be no significant implementation cost related to this rulemaking for the State of West Virginia or for persons affected by the proposed rules.

II. 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.)

This rulemaking will have no effect on the cost and revenues of State Government.

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

The Commission anticipates a positive economic impact on public service districts providing sewer service as these regulations will aid such districts in the collection of delinquencies.

DATE February 17, 1988 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Michael D. Green

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WEST VIRGINIA LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION
CHAPTER 24-1
SERIES V

RULES AND REGULATIONS FOR
THE GOVERNMENT OF
SEWER UTILITIES

1.00 GENERAL

- (1) Scope - These rules govern the operation and service of sewer utilities subject to the jurisdiction of the Public Service Commission pursuant to West Virginia Code §24-2-1.
- (2) Authority - West Virginia Code §§24-1-1, 24-1-7, 24-2-1, 24-2-2.
- (3) Filing Date - *February 17, 1988*
- (4) Effective Date -

4.05 UTILITY DISCONTINUANCE OF SERVICE

- (1) Consideration of health and sanitation require that sewer service should not be discontinued because of nonpayment of service charges unless the utility has first acquired the approval of the Public Service Commission. The sewer utility shall make use of such legal remedies as may be available for the collection of delinquent accounts prior to application to the Public Service Commission for other relief.
- (2) Notice of Discontinuance
 - (a) In the case of a sewer utility requesting termination of water service for nonpayment of sewer service, as provided in Rules and Regulations for the Government of Water Utilities, section (5), the sewer utility shall provide the customer written notice that the sewer utility will request termination of water service by the water utility within five (5) business days, pursuant to West Virginia Code §16-13A-9, if payment is not made in full or a payment schedule is not established as provided in Section (5)(b) of this Rule or Section (5)(b) of the Water Rule. This notice shall contain a provision notifying the customer that in the event water is terminated, the customer will be responsible for and required to pay the fees charged to the public service district by the water utility.

- (b) A sewer utility requesting termination of water service for nonpayment of sewer bills shall provide the water utility with a copy of the notice to the customer as provided in section (2)(c) of this Rule.
- (c) A sewer utility will provide the water utility with a written request for termination of water service for nonpayment at least twenty-four (24) hours before the end of the 5-day notice period to the customer.
- (3) Charge for Reconnection - Whenever the supply of water is turned off for nonpayment of sewer bills, the water utility may make a charge as set forth in its tariff for re-establishment of service.
- (4) Combined Water and Sewer Public Service District - Any public service district providing water and sewer service to its customers shall have the right to terminate water service for delinquency in payment of either water or sewer bills; provided that proper notice is given and procedures followed as set out in these Rules.
- (5) Contracts with Public, Private or Municipal Water Utilities
- (a) In the event that any public utility or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separately either water facilities or sewer facilities, and the district owns and operates the other kind of facilities, either water or sewer, then the district and such publicly or privately owned utility, city, incorporated town or other municipal corporation or other public service district may covenant and contract with each other to shut off and discontinue the supplying of water service for the nonpayment of sewer service fees and charges; provided that proper notice is given and procedures are followed as set forth in sections (1) through (4) of these Rules and sections (1) through (4) of the Water Rules.
- (b) A sewer customer who have been notified that water service is to be terminated for nonpayment of sewer bills shall be given the opportunity to enter into a deferred payment agreement, provided that such customer has demonstrated an inability to make payment in full. The terms of such deferred payment agreement shall be set forth as follows:
- Payment of the current bill plus a specific amount per month on the arrearage as provided in the agreement. A customer who is paying under a deferred payment agreement may have water service terminated without further notice if payment is not made pursuant to the terms of the agreement.

- (c) The contract should contain specific provisions regarding responsibilities of notice of termination, termination, reconnection and provision for fair and reasonable compensation based upon the actual cost of providing such service by the water utility in the termination process. Such compensation may be based on disconnection and reconnection charges in the water utility's tariff or as otherwise agreed between the parties.
- (d) Any contracts entered into by a public service district pursuant to section (5) shall be submitted to the Public Service Commission for approval prior to any termination of water service for nonpayment of sewer bills under such contracts.
- (e) A water utility that has terminated or reconnected service for nonpayment of sewer bills may charge the sewer utility a fee pursuant to sections (5) (c) or (5) (f) of the Water Rules. The sewer utility may include this charge in the billing to the delinquent customer.
- (f) Termination by Public Service District or Municipal Water Utility - Where one public service district is providing sewer service and another public service district or a municipality included within the boundaries of the sewer district is providing water service, and the district providing sewer service experiences a delinquency in payment, the district or the municipality included within the boundaries of the sewer district that is providing water service, upon the request of the district providing sewer service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer account: Provided, however, that any termination of water service must comply with all rules, regulations and orders of the Public Service Commission. In such instances the public service district or municipality may charge the sewer district for termination or reconnection as set forth in its tariff.