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STATE OF WEST VIRGINIA SECRETARY OF STATE

Charleston 25305

PROPOSED RULES

STATE REGISTER FILING

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AGENCY PUBLIC SERVICE OF WEST VIRGINIA

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TYPE OF RULE Legislative

TITLE OF RULE RULES AND REGULATIONS FOR THE GOVERNMENT OF TELEPHONE UTILITIES
Rule 10. - Reduced Rates for Certain Low-Income Residential Customers of Telephone Service

CHAPTER 24 ARTICLE 1 SERIES VI

AUTHORITY 24-1-7, 24-2C-4

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CHECK APPLICABLE ITEMS BELOW TO SHOW KIND OF ACTION BEING TAKEN

NEW RULE

NOTICE OF HEARING

AMENDMENTS TO EXISTING RULE

NOTICE OF AGENCY APPROVAL
(legislative rules only)

REPEAL OF EXISTING RULE

NOTICE OF AGENCY ADOPTION
(interpretive & procedural rules only)

NOTE: ALL FILINGS REQUIRE ONLY ONE COPY, EXCEPT FINAL FILING OF RULES WHICH REQUIRES AN ORIGINAL AND A COPY.

FINAL FILING

FIRST EMERGENCY FILING

SECOND EMERGENCY FILING

PSC
Leg. Rule/Adm. Reg. 24-1
Series VI

FILED
APR 24 1987
P.M. 1:56

GENERAL ORDER NO. 234

IN THE MATTER OF Reduced Rates for
Certain Low-Income Residential
Customers of Telephone Service.

ABSTRACT OF PROMULGATION HISTORY

On March 3, 1986, the West Virginia Legislature passed Enrolled Committee Substitute for Senate Bill 165, to be effective July 1, 1986. The Act amends certain sections of Chapters 11 and 24 of the West Virginia Code, creating tel-assistance service which provides reduced rates for designated low-income residential customers of telephone service. In accordance with Senate Bill 165, the Public Service Commission is required to promulgate rules to effectuate the tel-assistance service within 120 days of the effective date. West Virginia Code §24-2C-4.

In passing Senate Bill 165, the Legislature found that recent changes in the telecommunications industry have begun to exert an upward pressure on rates for basic telephone service, and that anticipatory action should be taken to preserve the universal telephone service which has been substantially achieved in this State, as universal telephone service is of utmost importance to the State and its citizens. West Virginia Code §24-2C-1.

On July 28, 1986, the Commission promulgated emergency rules to ensure that rules and regulations would be in effect within 120 days, as required by West Virginia Code §24-2C-4(b), and to protect the public interest in universal telephone service in an expeditious manner.

On September 24, 1986, the Commission issued General Order No. 234 initiating a proceeding to promulgate rules to effectuate the legislative mandate contained in West Virginia Code §24-2C-1. Adequate notice of the proposed rulemaking and copies of the proposed rules were provided to interested parties pursuant to the September 24, 1987 order and the West Virginia Code §29A-3-4, et seq. All interested parties were afforded the opportunity to submit written comments to the Commission on or before October 24, 1986, at 12:00 noon.

Upon review of the comments submitted by various parties, the Commission determined that one proposed modification should be adopted. Therefore, on April 24, 1987, the Commission adopted the rules hereinafter set forth as the Rules and Regulations for the

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Government of Telephone Utilities as final rules to become effective sixty days after promulgation, in accordance with West Virginia Code §24-1-7.

Public Service Commission Of West Virginia



Michael D. Greer
Chairman

201 Brooks Street, P. O. Box 812
Charleston, West Virginia 25323

NOTICE OF AGENCY ADOPTION

RULE TITLE: RULES AND REGULATIONS FOR THE GOVERNMENT OF TELEPHONE UTILITIES - Rule 10.00 Reduced Rates For Certain Low-Income Residential Telephone Service.

RULE TYPE: Legislative.

The attached rule constitutes the official rule adopted by the Public Service Commission of West Virginia on April 24, 1987, and filed with the Secretary of State.

A handwritten signature in cursive script that reads "Michael D. Greer".

Michael D. Greer
Chairman.

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. 234, Reduced Rates for Certain Low-Income Residential Customers of Telephone Service.

I. OBJECTIVES OF THE RULE

The purpose of these rules and regulations is to establish procedures for the effectuation of the legislative mandates expressed in §24-2C-1 of the West Virginia Code. The rules and regulations relate to tel-assistance service which provides reduced rates for designated low-income residential customers low-income residential customers of telephone service.

II. COST OF IMPLEMENTING THE PROPOSED RULES

A. Cost of Implementation for the State

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

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

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

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.)

This rulemaking will have no effect on the cost and revenues of State Government except as set forth in Part IV of this fiscal note.

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

In order to provide the special reduced rate mandated by §24-2C-1 of the Code, the Commission shall determine, upon application by an affected utility, that utility's revenue deficiency for the utility's taxable year resulting from the special reduced rates. A utility's certified revenue deficiency, if any, resulting from the provision of tel-assistance service shall be allowed as a tax credit against the liability of the utility pursuant to the provisions of §11-13G-1 et seq. of the Code. After allowance of such a tax credit pursuant to the foregoing provisions, a utility's remaining certified revenue deficiency, if any resulting from the provisions of tel-assistance service shall be allowed as a tax credit against the liability of the utility pursuant to the provisions of §11-24-11a of the Code. Consequently, the result will be that the State will realize less revenues by not collecting the credited taxes.

DATE April 24, 1987 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Michael D. Gunn