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KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 345-9000

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

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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 COMMISSION OF WEST VIRGINIA

CONTACT PERSON HOWARD M. CUNNINGHAM, Secy. PHONE 340-0426

TYPE OF RULE Legislative

TITLE OF RULE Rules and Regulations for the Government of Water Utilities --

Rule 4.08, Utility Discontinuance of Service

CHAPTER 24 ARTICLE 1 SERIES VII

AUTHORITY W.VA. CODE 24-1-7 and 16-13A-9

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CHECK APPLICABLE ITEMS BELOW TO SHOW KIND OF ACTION BEING TAKEN

NEW RULE

NOTICE OF HEARING / COMMENT

AMENDMENTS TO EXISTING RULE

NOTICE OF AGENCY APPROVAL
(legislative rules only)

REPEAL OF EXISTING RULE

NOTICE OF AGENCY ADOPTION
(interpretive & procedural
rules only)

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

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OFFICE OF THE
SECRETARY OF STATE

GENERAL ORDER NO. 188.4
IN THE MATTER OF

The amendment of Rule 4.08, Utility
Discontinuance of Service, of the
the Commission's Rules and Regulations
for the Government of Water Utilities.

FISCAL NOTE

This is a fiscal note issued pursuant to West Virginia Code
§§29A-3-4, 5 and 9 and West Virginia Code §24-1-7, relating to
the Commission's General Order No. 188.4.

I. OBJECTIVES OF THE RULES

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.

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.

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 regula-
tions will aid such districts in the collection of delinquencies.

DATE February 9, 1987 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE *Michael D. Green*

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NOTICE OF PUBLIC HEARING OR COMMENT ON PROPOSED RULE
COMMENT PERIOD

AGENCY: Public Service Commission of West Virginia

RULE TYPE: Legislative

RULE TITLE: Rule 4.08, Utility Discontinuance of Service, Rules and Regulations for the Government of Water Utilities

A COMMENT PERIOD ON THE ABOVE PROPOSED RULE HAS BEEN SCHEDULED AND WILL END ON March 10, 1987, AT 4:00 p.m. WRITTEN

COMMENTS ARE TO BE MAILED TO THE FOLLOWING ADDRESS: Howard M. Cunningham, Executive Secretary, Public Service Commission of West Virginia, Post Office Box 812, Charleston, West Virginia, 25323.

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


Michael D. Greer, Chairman

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DEPARTMENT OF STATE
SECRETARY OF STATE

4.08 UTILITY DISCONTINUANCE OF SERVICE

(1) Notice of Discontinuance -

- (a) No utility shall discontinue service to any customer for violation of rules and regulations or for non-payment of bills, without first having tried diligently to induce the customer to comply with its rules and regulations, or to pay his bills.
- (b) Service shall actually be discontinued only after at least twenty-four (24) hours' written notice shall have been given to the customer by the utility that bills are five or more days delinquent, or that the violation of rules must cease; provided, however, that where fraudulent use of water is detected, or where the utility's regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the customer's premises, the water may be shut off without notice in advance. In no case shall the utility discontinue service on Friday, Saturday, Sunday, or day prior to a holiday or if an emergency exists. All disconnections shall be performed between the hours of 8 a.m. and 4 p.m.
- (c) In the case of a sewer utility requesting termination of water service for non-payment of sewer service, as provided in 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.
- (d) A sewer utility requesting termination of water service for non-payment of sewer bills shall provide the water utility with a copy of the notice to the customer as provided in section (1)(c) of this Rule.
- (e) A sewer utility will provide the water utility with a written request for termination of water service for non-payment at least twenty-four (24)

hours before the end of the 5-day notice period to the customer.

(2) Charge for Reconnection -

(a) Whenever the supply of water is turned off for violation of rules and regulations, non-payment of bills, or fraudulent use of water, the utility may make a charge as set forth in its tariff for reestablishment of service.

(b) If service is discontinued at the request of the customer, the utility may refuse service to such customer, at the same premises, within eight (8) months, unless it shall first receive payment as set forth in the tariff for reconnecting charge.

(3) 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) 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 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.

- (b) A sewer customer who has been notified that water service is to be terminated for non-payment 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, re-connection and provision for fair and reasonable compensation for services provided by the water utility in the termination process. Such compensation may be based on disconnection and re-connection 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 non-payment of sewer bills under such contracts.

- (e) A water utility that has terminated service for non-payment of sewer bills may charge the sewer utility a fee for reconnection pursuant to section (2)(a) of these 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.