

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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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: 150CSR

CITE AUTHORITY: W.Va. Code §§24-1-7; 16-13A-9

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE §24-1-7
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES x, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

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

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 November 10, 1987

Michael D. Green

Public Service Commission Of West Virginia



Michael D. Greer, Chairman
Otis D. Casto, Commissioner
Charlotte R. Lane, Commissioner



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

September 10, 1987

SECRETARY OF STATE

Mr. Rich O. Hartman
Director
Administrative Law Division
Secretary of State Office

Dear Mr. Hartman:

Pursuant to our conversation of September 9, 1987, enclosed please find the new Rule 4.08, Utility Discontinuance of Service, of the Commission's Rules and Regulations for the Government of Water Utilities.

Personnel at your office are to delete the former Rule 4.08 from the base and substitute the new Rule 4.08 which is three and one-half pages.

Thank you for your attention in this matter.

Sincerely,

Nicholas J. Parrish

NJP:gf

IN THE MATTER OF
The Amendment of Rule 4.08, Utility
Discontinuance of Service, of the
Commission's Rules and Regulations
for the Government of Water Utilities.

ABSTRACT OF PROMULGATION HISTORY

On March 8, 1986, the West Virginia Legislature passed Enrolled Committee Substitute for Senate Bill 191, to be effective 90 days from passage. The Act amends several sections of Chapter 16 of the West Virginia Code, enlarging the authority of the Public Service Commission of West Virginia with respect to the regulation of public service districts to further the effort of providing valuable utility services at a reasonable cost. Senate Bill 191 requires the Public Service Commission to promulgate rules to effectuate the expanded powers of the Commission. Code §16-13A-1.

On December 30, 1986, the Commission Staff filed a petition for amendment of Rule 4.08, Utility Discontinuance of Service, of the Commission's Rules and Regulations for the Government of Water Utilities, to carry out the statutory mandates of Code §16-13A-9.

On February 9, 1987, the Commission issued General Order No. 188.4 which promulgated proposed rules for an amendment of Water Rule 4.08. All interested parties desiring to comment on the proposed rule were provided the opportunity to submit written comments to the Commission or or before March 10, 1987.

Upon review of the comments submitted, the Commission has modified the proposed rule as detailed in the order which promulgates and adopts final rules. Therefore, on September 10, 1987, the Commission adopted the rules hereinafter set forth as Rule 4.08, Utility Discontinuance of Service, of the Rules and Regulations for the Government of Water Utilities as the final rules of the Commission, to become effective sixty days after promulgation, in accordance with W. Va. Code §24-1-7.

IN THE MATTER OF

The amendment of Rule 4.08, Utility
Discontinuance of Service, of the
Commission's Rules and Regulations
for the Government of Water 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. 188.4

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 non-payment 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 regulations will aid such districts in the collection of delinquencies.

DATE September 10, 1987 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Arthur B. Green

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

TITLE: Rules and Regulations for the Government of Water
Utilities

Section

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- 6.02 Tagging, Sealing and Capping Meters
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- 7.01 Accidents

FORMS: Qualification Card for Water Meterman
Water Meterman's Card
Water Utility Report

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TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 7
RULES AND REGULATIONS FOR
THE GOVERNMENT OF WATER UTILITIES

§150-7-1 GENERAL

- (1) Scope - The Rules govern the operation and service of water 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 - September 10, 1987
- (4) Effective Date - November 10, 1987

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. The said 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.
- (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 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.

- (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 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 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 or reconnected service for non-payment of sewer bills may charge the sewer utility a fee pursuant to sections (5)(c) or (5)(f) 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: 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.