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1986 JUL 28 AM 11:20
OFFICE OF THE SECRETARY OF STATE

NOTICE OF PUBLIC HEARING OR COMMENT ON PROPOSED RULE
COMMENT PERIOD


AGENCY: Public Service Commission of West Virginia

RULE TYPE: Legislative

RULE TITLE: Rules and Regulations for the Government of Public
Service Districts

A COMMENT PERIOD ON THE ABOVE PROPOSED RULE HAS BEEN SCHEDULED
AND WILL END ON August 27, 1986 AT 12:00 Noon. 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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GENERAL ORDER NO. 229.1

IN THE MATTER OF Rules and Regulations
for the Government of Public Service
Districts.

Proceeding Upon the 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. 229.1, In the Matter of Rules and Regulations for the Government of Public Service Districts.

I. OBJECTIVES OF THE RULE

The purpose of these rules and regulations is to establish requirements and procedures for the development of county plans relating to the consolidation, merger, expansion or dissolution of public service districts as mandated by West Virginia Code §16-13A-1b.

II. COST OF IMPLEMENTING THE ATTACHED PROPOSED RULES

A. Cost of Implementation for the State

Inasmuch as the county commissions have the option of performing the mandatory study themselves or deferring that to the Public Service Commission, it is impossible to precisely estimate this cost. However, if we assume that the majority of the counties will ask the Public Service Commission to perform the consolidation study, then we envision 12 to 16 persons being required, primarily auditors with some additional aid from engineers, legal assistance and also financial analysts. We further estimate that the current expense of providing a finished report will average \$2,000 per county. Our estimate for performing the county plans would total approximately \$687,500 or \$344,000 a year if the plans are done over a two-year period.

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

Under the proposed rule, the various counties either develop the county plan or have the Public Service Commission develop the plan. The county will incur no cost if the plan is developed by the Public Service Commission.

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)

The rules proposed herein will have no effect on the costs and revenues of state government other than the costs described in Section II above.

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

It is anticipated that these rates will have a positive economic impact on the State and its residents. Through the development of the county plans, the Commission will be able to discover problems and inefficiencies in the current Public Service District system and propose solutions which will benefit the State and water customers through more efficient water delivery.

DATE July 28, 1986 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Michael D. Green

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

RULES AND REGULATIONS FOR
THE GOVERNMENT OF PUBLIC SERVICE DISTRICTS

1.0 GENERAL

1.1 Scope - This legislative rule establishes the procedure and requirements for county plans relating to the creation, consolidation, merger, expansion or dissolution of public service districts, or the merger of management and administrative services and personnel, to be submitted by the county commission or performed by the Public Service Commission of West Virginia, pursuant to West Virginia Code §16-13A-1b, and for the operation and government of public service districts pursuant to the legislative mandate in Code §16-13A-1, et seq.

1.2 Authority - West Virginia Code §24-1-1, et seq., and §16-13A-1, et seq.

1.3 Filing Date -

1.4 Effective Date -

1.5 Except as herein modified, these rules incorporate by reference the Commission's Rules and Regulations for the Government of Water Utilities (Series VII) and Rules and Regulations for the Government of Sewer Utilities (Series V.).

2.0 PROCEDURE FOR COUNTY PLANS

2.1 Within ninety (90) days of June 6, 1986, each county commission shall determine whether the county will develop a county plan as required by West Virginia Code §16-13A-1b, or whether the county will have the Public Service Commission Staff develop the plan with the county's assistance. Immediately after making such determination, the county commission shall notify the chairman of each public service district in the county of its decision. The county plan shall be developed in accordance with these rules and provide the information herein required.

- 2.2 Within fourteen (14) days after receiving the notice required by Rule 2.1, the chairman of each public service district, or his designated representative, shall submit to the county commission and the Public Service Commission a Public Service District Profile, which shall contain general information about the size, location, history, personnel, operations, and finances of the district, and in which the district expresses its opinion regarding dissolution or consolidation or merger with other districts and which lists major strong areas and major problem areas of the district. The Public Service District Profile shall contain the information indicated in District Form A which is available in the office of the Executive Secretary of the Public Service Commission.
- 2.3 The county commission or Public Service Commission Staff shall supply or obtain the specific information hereinafter required from the chairman of each public service district or his designated representative. The county commission and public service district board(s) shall consult with each other in the development of the county plans prior to the submission of the plan to the Public Service Commission.
- 2.4 The public service district(s) within the county shall be consulted by and shall cooperate to the fullest extent with the county commission and/or Public Service Commission Staff in providing information necessary to complete the county plans in accordance with these rules.
- 2.5 Upon completion of a county plan developed by the Public Service Commission Staff, the plan shall be submitted to the county commission for review and comment. The county commission shall solicit comments and recommendations from each active public service district as part of its review of the plan. The county commission must submit to the Public Service Commission its final plan showing any modifications to the Staff plan within six (6) months of the date the plan is submitted to the county commission.
- 2.6 A plan developed by a county commission shall be submitted to the Public Service Commission within one (1) year of the date that the county elects to develop the plan. The plan shall be made available to active public service districts for review and comment prior to submission of the plan to the Public Service Commission. At the time the plan is filed with the Public Service Commission the county commission shall submit any public service district comments or recommendations along with the plan.

2.7 In a case in which the county commission(s) or the Public Service Commission Staff believes it is feasible to develop a multi-county plan, such as in the case that two or more counties are served, or would be better served, by the same public service district, the county commission or Public Service Commission Staff shall request, by petition, that the Public Service Commission investigate the possibility of developing a multi-county plan. Such petition shall specifically state the benefits of a multi-county plan and why such a plan should be considered instead of a single county plan for each of the counties involved.

3.0 COUNTY PLANS

3.1 The objective of the plan shall be to identify problem areas and study the possible creation, consolidation, merger, expansion or dissolution of existing districts, or consolidation or merger of the management and administrative services and personnel of existing districts, or any combination of the above. The plan shall address the overall goals and objectives of the county commission and/or the Public Service Commission to meet the water and sewer needs of the residents of West Virginia. The plan shall state which of these specific purposes are to be achieved in meeting the water and sewer needs of the county.

3.2 The plan shall enumerate specific goals to be achieved in meeting the purposes set forth in section 3.1 and shall describe how each existing public service district relates to one or more of the goals.

3.3 The plan shall define specific actions for implementing the goals to be achieved as required by section 3.2. There shall be at least a summary objective for each district and unserved area. If there are no changes proposed for any district or unserved area, the plan shall explain why no changes are necessary and the overall result of making no changes.

3.4 A cost-benefit analysis shall be included in the county plan. The plan shall also include other alternatives considered and rejected.

3.5 County Information - The following county information shall be incorporated in the county plan.

(A) Personnel Information:

1. Name, address and term of office of each county commissioner.
2. Name and address of person(s) or firm who prepared the plan.

(B) Geographic and Demographic Information:

1. A physical description of the county, average income of county residents, employment statistics, types of industries and any business or industries moving into or leaving the county. Provide the total population of the county and projected trends in population, and census figures for 1960, 1970 and 1980, and projected census figures for 1990 and 2000.
2. The names of each active or inactive public service district, designate as "AW" Active Water, "AS" - Active Sewer, "AWS" - Active Water and Sewer or, "IW" - Inactive Water, "IS" - Inactive Sewer, "IWS" - Inactive Water and Sewer.
3. A topographic map of the county delineating the following areas:
 - a. the location and service area for each public service district, active and inactive, indicating the number of customers served by each district and the number of customers formerly served by each inactive district and indicating how these former customers are obtaining water and sewer service, if any.
 - b. the location and service area of any other type of system of water or sewer service, except individual wells (such as but not limited to, municipal utilities, private water companies, or private districts) and indicating the number of customers served by these other water and/or sewer systems, areas not served by any public source of water or sewer service and the number of people not served by any public source.

3.6 Public Service District Information - The following information shall be included in the county plan.

(A) Personnel Information:

1. The name, address, present occupation, position and length of service with the district for each district board member and employee.
2. The number of full-time and part-time employees, the job description for each position indicating the job title, the nature of the work, hours per week, required skills, minimum training and experience requirements and examples of work performed, and the district's personnel policies, such as leave policy, employee benefits, and required working hours.

(B) Operations:

1. The district's office facilities and location.
2. The district's billing procedures and whether or not a place is provided for customers to deposit payments after office hours.
3. The district's procedures for customers to report and the district to deal with emergencies or repairs after hours.
4. Any vehicles and heavy equipment owned by the district.

(C) Accounting System:

1. Whether or not the district's billing, accounts receivable, general ledger, accounts payable, inventory, payroll and plant and depreciation are maintained by the district, or by outside accounting services or a combination of in-house and outside services, and whether or not the above functions are performed manually or by computer.
2. The annual cost of outside accounting services and what person(s) or firm(s) provided the service.

3. The cost of the district's annual audit and name and address of the accountant who performs the annual audit.
4. Any computer systems in use, including the manufacturer, model, operating system's RAM memory, external storage memory, capacity of floppy disks, capacity of hard disks, and backup storage system, whether or not the hardware is owned or leased or provided by an outside accounting service or service bureau, and the accounting system software used with the computer system.

(D) General Financial Information:

1. All debt instruments and the purpose for which the debt was incurred, and the outstanding balance on each such debt instrument, including annual payments of principal and interest.
2. The sources, amount and date of any grants received by the district and how the grant was used.
3. Sources of contributions in aid of construction and the amount contributed from each source.
4. The status of all reserve accounts, including the amount of reserves required by bond resolution and the amount now on deposit, and the amount of revenue being deposited in the reserve accounts on a monthly basis.
5. Any funds available to the district.
6. The dollar amount of the gross plant in service and the net plant in service.
7. Operating budgets, construction and equipment budgets and construction projects anticipated within the next twelve months.
8. The district's insurance coverage(s), giving the name of the company, type(s) of coverage, policy period, premium and amount of any increase since last renewal.

(E) Engineering Information:

1. Water - The district's distribution system, including the number of customers by class, when the original system was built, the last major extension, the source(s) of supply and describing the number, capacity, age and condition of each storage tank and pump, the quality of water, the district's percentage of unaccounted for water and any necessary repairs, extensions or replacements to the district's distribution system.
2. Sewer - The district's sewage collection system including the type, age, capacity and condition of the lines and the treatment and pumping facilities, when the original system was built, the last major extension, the number of customers by class and any necessary improvements to the system.

(F) Legal Information:

The amount spent annually on legal services itemized by hours and/or cases; the name and case number for all pending lawsuits and proceedings before the Public Service Commission. A list of customer complaints over the last year and all agreements or contracts to which the District is a party, including, but not limited to operating contracts, legal service contracts, purchase agreements, resale contracts and treatment agreements shall be included.

- 3.7 A county commission which elects to develop the county plan shall give the Public Service Commission notice if the county intends to use a consultant to develop the plan and shall obtain Public Service Commission approval prior to contracting for the services of such consultant.
- 4.0 COMMISSION APPROVAL OF COUNTY PLAN, NOTICE AND HEARING, IMPLEMENTATION.
- 4.1 Upon submission to the Public Service Commission of a plan developed by the county commission, the Public Service Commission shall set a date for public comment and hearing on the county plan.

- 4.2 Upon submission of county commission suggestions and proposed modifications to a county plan developed by the Public Service Commission Staff, the Public Service Commission shall set a date for public comment and hearing on the county plan.
- 4.3 The county commission shall provide notice of any hearings on a county plan by posting a notice of hearing and a copy of the proposed plan at the county courthouse and at all public service district offices where bills are paid in that county. The county commission shall also publish notice of any hearings as a Class II publication in a newspaper published and of general circulation in the county no earlier than thirty (30) days nor later than ten (10) days prior to the hearing.
- 4.4 After public comment and hearing, the Public Service Commission shall, by order, approve, disapprove or modify the county plan, and establish an implementation date(s) for the recommendations adopted by the plan. In the case of Public Service Commission disapproval of a county plan, the order disapproving such plan shall specifically set forth the reasons for disapproval and necessary steps for re-submission of the plan.
- 4.5 Within thirty (30) days after the Public Service Commission enters an order approving or modifying a county plan, the county commission or clerk thereof shall file a follow-up report detailing the steps that have been and are being taken to implement the approved plan. Such follow-up report shall be updated by the first day of October following the filing of the initial follow-up report, and annually thereafter, unless otherwise ordered.

5.0 FORMS

- 5.1 The following forms are available at the office of the Executive Secretary of the Public Service Commission to facilitate the gathering of information in the development of county plans:
- (A) District Form A - For use in developing public service district profile.
 - (B) District Forms B, C and D - For use in providing personnel information.

PSC
Emergency Leg. Rule/Adm. Reg. 24-1
Series XVII

- (C) District Form E - For use in providing operations information.
- (D) District Form F - For use in providing accounting system information.
- (E) District Form G - For use in providing general financial information.
- (F) District Forms H and I - For use in providing engineering information.
- (G) District Form J - For use in providing legal information.

PUBLIC SERVICE DISTRICT PROFILE

District Name _____

Mailing Address _____

Telephone Number _____

A. Size and Location

District's service area (square miles): _____

Do you have an office? _____ Owned _____ Or Rented _____

Office location _____

Distance to next district's office: _____

B. History

Year district formed: _____

Service began in (year) _____ with _____ customers.

Service began with water _____, sewer _____, or both _____.

Customer size (number): 1986 _____ . 1981 _____ . 1976 _____ .

Year(s) of rate increases: _____

Year(s) boundary expanded: _____

C. Personnel

Do you have a manager? Yes _____ No _____ Full Time _____ Part Time _____

How many managers have been employed in the last five years? _____

Why have managers been replaced? _____

How many full-time employees? _____

How many part-time employees? _____

D. Operations

Do you have your own source of water? _____

If yes, what is the percent of water loss? _____ %

Do you have your own treatment plant? _____

If yes, what are the gallons treated? _____ Gallons billed? _____

Do you do your own billing? _____

Are you in the midst of a large construction project? _____

If so, are you in the planning _____, or construction _____, phase?

Estimated completion date of project? _____

Service Provided:	<u>Water</u>	<u>Sewer</u>
	Gallons per day _____	Gallons per day _____
	Purchased _____	Regional (other operate) _____
	Surface _____	Package Plants/Lagoons _____
	Ground _____	Treatment Plant _____

What Health Department, Department of Natural Resources, and Public Service Commission orders do you have to satisfy? (None, or explain): _____

What lawsuits have the district been involved in during the last five years?

E. Customers

Number of customers _____

Number of customer complaints received by the Public Service Service Commission (last three years) _____

Most frequent complaint: _____

How many requests do you have for extensions? _____

Schedule of Rates:

Are you currently requesting a rate increase? _____

F. Finances

Attach a copy of Income Statement from last audit.

Attach a copy of Balance Sheet from last audit.

Complete the Modified Cash Flow Analysis sheet (attached)

What is the Accounts Receivable Balance? _____

What is your average monthly revenue? _____

How often do you bill? _____

G. Statement of Agreement on Data:

The undersigned agree that the data in this report is correct, to the best of our knowledge, information and belief.

Board Members (sign): _____

Manager (sign): _____

H. Statement on Consolidation of this District:

(Express your opinion on the need for this district to consolidate or merge with another district. Explain whether it would be helpful, advantageous, harmful, etc.) _____

(List any specific proposals, such as "who with", "how-to", and any structure suggestions). _____

I. Major Strong Areas and Major Problem Areas of this District:

(List and explain)

Prepared by: _____

Date: _____

PUBLIC SERVICE DISTRICT PROFILE
MODIFIED CASH FLOW ANALYSIS

District Name _____

Year Ending _____

Balance of Cash Available Beginning of Year _____

Income for Year _____

Borrowed Money for Year _____

* Total Cash Available _____

* Operation and Maintenance Expenses and Other Taxes - _____

Cash Available for Debt Service (A) _____

* Debt Service Payments - _____

Cash Available for Reserves _____

* Debt Reserve Payments - _____

Cash Available for Capital Improvements _____

* Capital Improvements - _____

Surplus (B) _____

Coverage (A / B) _____ %

Number of Customers _____

* A separate schedule must be attached for each of these items. These schedules will contain a listing of each component of these items with corresponding dollar values. Be as detailed as possible.

R E S U M E

District _____

Name

Address

Work History

Employer

Description
of Duties

Present
Occupation:

Length of Association with PSD? From _____ To _____
In what capacity/manner have you been associated?

OVERVIEW OF DISTRICT'S PERSONNEL

District _____

Personnel

Number of Employees

Full Time:

Part Time:

Complete attached job description for each position. (Standard Form Attached)

Provide copy of PSD's personnel policies (leave policy, office hours, employee benefits, etc.)

JOB DESCRIPTION

District _____

Job Title: _____

Nature of Work: _____

Hours Per Week: _____

Examples of Work Performed: _____

Required Knowledge, Skills and Abilities for this Position:

Minimum Training and Experience Requirements for this Position:

OPERATIONS

District _____

Describe the District's office facilities and location:

Describe the District's billing procedures and whether or not a place is provided for customers to deposit payments after office hours:

Explain the District's procedures for customers to report and how the District handles emergencies or repairs after hours:

Describe any vehicles and heavy equipment owned by the District:

Describe the District's method of communicating with employees in the field:

ACCOUNTING SYSTEM REPORT

District _____

1. Please indicate the accounting for the following classes of transactions by placing an 'X' in the appropriate column.

	Manual			Computer		
	Completely In House	Completely CPA or PA Provided	Partially In House/ Completed By CPA or PA	Completely In House	Completely CPA or PA Provided	Partially In House/ Completed By CPA or PA
Billing						
Accounts Receivable						
General Ledger						
Accounts Payable						
Inventory						
Payroll						
Plant and Depreciation						

2. Details on Computer Systems In Use:

Hardware

Manufacturer
Model
Operating System
RAM Memory
(Stated in K or M)
Storage (Stated in K or M)
Capacity of Floppy Drives
Capacity of Hard Disks
Backup Storage System:
Floppy, Tape, etc.

Owned In House	Provided Through CPA, PA, or Service Bureau

Software

Billing
Accounts Receivable
General Ledger
Accounts Payable
Inventory
Payroll
Plant and Depreciation
Other Software: List

Owned In House		Provided Through CPA, PA, or Service Bureau	
Manufacturer	Custom Programmed	Manufacturer	Custom Programmed

ACCOUNTING SYSTEM REPORT

District _____

3. Additional Information

A. Annual Cost of Outside Accounting Services \$ _____
Services Provided By _____

B. Cost of Annual Audit \$ _____
Name and Address of Accountant performing annual audit:

C. Provide copy of most recent annual audit.

D. Provide copy of most recent financial statements.

GENERAL FINANCIAL INFORMATION

District: _____

Detail of Grants received: Source Amount Date Received

Detail of Debt Service: Source Amount Interest Rate Date Received Term

For what purpose(s) was the debt incurred?

Submit copies of all debt instruments. (Bond ordinances, bank notes, EPA, FmHA, WDA, etc.)

Detail of Contributions in Aid of Construction (CIAC):

Total	\$ _____
Amount from Grants	\$ _____
Amount from Customers	\$ _____
Other (Specify)	\$ _____

What is the status of all Reserve accounts?

What funds are available to the District?

Submit the present Tariff. What was the effective date? _____

Gross plant in service \$ _____

Net Plant in Service \$ _____

Submit copies of Budgets:

- A. - Operating
- B. - Construction and Equipment

Detail of Insurance Coverage:

- A. Company
- B. Type(s) of coverage
- C. Policy period
- D. Premium
- E. Amount of increase at last renewal, if any

ENGINEERING REPORT

Water

Name of District: _____

Address : _____

Phone Number : _____

Name of General Manager or Operator: _____

Total number of customers:* _____

When was the original system built? _____

PSC Certificate Case Number: _____

When was the last major extension? _____

PSC Certificate Case Number: _____

Describe the source(s) of supply:

A. Purchased water from: _____

B. River, stream or wells: _____

C. Quantity of water in gallons per day: _____

D. Quality of water: _____

Describe the storage facilities:

A. Number of tanks: _____

B. Capacity of each: _____

C. Age of tank(s): _____

D. Condition: _____

E. Are storage facilities adequate to meet the District's present needs?

If not, describe in detail any necessary improvements or additions.

Describe the pumping facilities:

A. Number of pump stations: _____

B. Capacity of each: _____

C. Age of pump station(s): _____

D. Condition: _____

E. Are pumping facilities adequate to meet the District's present needs?

If not, describe in detail any necessary improvements or additions.

Describe the condition of the distribution system and any necessary extensions, improvements, repairs or replacements:

Percentage of Unaccounted for Water: _____

* Breakdown by Class

a. residential

b. commercial

c. industrial

d. resale

ENGINEERING REPORT

Sewer

Name of District: _____

Address : _____

Phone Number: _____

Name of General Manager or Operator: _____

When was the original system built? _____

PSC Certificate Case Number: _____

When was the last major extension: _____

Describe the Sewage treatment facilities of the District:

A. Type of treatment: _____

B. Age of facilities: _____

C. Treatment capacity: _____

D. Condition: _____

Describe the pumping facilities:

A. Number of pump stations: _____

B. Capacity of each: _____

C. Age of pump station(s): _____

D. Condition: _____

E. Describe any necessary improvements: _____

Describe the collection system:

A. Age of lines: _____

B. Condition: _____

C. Describe any necessary improvements: _____

Total number of customers: _____

A. Residential: _____

B. Commercial: _____

C. Industrial: _____

D. Other utilities: _____

REPORT TO PSC LEGAL DIVISION

District: _____

Amount spent annually on legal services: _____

(itemize by hours and/or cases)

Name and case numbers for all pending lawsuits and proceedings before the
Commission:

History of complaints: (submit customer complaint log as required by Rules)

Submit any and all present Agreements or Contracts to which the District is a party, including, but not limited to:

- A. Operating contracts
- B. Legal service contracts
- C. Purchase agreements for other utility facilities
- D. Resale contracts
- E. Treatment agreements

Case Number of most recent rate case filed with the Public Service Commission
