

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Public Service Commission of West Virginia TITLE NUMBER: 150

RULE TYPE: Legislative; CITE AUTHORITY \$16-13A-9

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 17

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

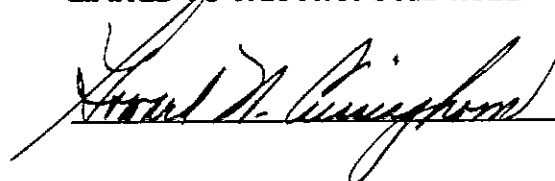
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

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 January 5, 1990 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

The Executive Secretary
Public Service Commission
201 Brooks Street
Charleston, WV 25301

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



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FILED
1988 DEC -4 AM 9:48SUMMARY OF PROPOSED RULEOFFICE OF WEST VIRGINIA
SECRETARY OF STATE

West Virginia Code §16-13A-9 provides that a public service district may charge for sewer service after a customer has received a thirty (30) day notice that the sewer facilities are available and are adequate to serve said customer. However, in Consolidated Cases No. 86-190-S-C, 86-217-S-C, 86-230-S-C, and Case No. 86-235-S-C, the Commission held that publication of notice of the availability of sewer service does not satisfy the aforementioned notice requirement of the Code and further, a district cannot charge, on the basis of metered water usage, customers who have received notice, but who are not yet connected.

The purpose of the proposed amendment is to provide for uniformity in billing practices for customers in the aforementioned situation. Specifically, the amendment mandates a minimum amount to be billed to customers of public service sewer districts who are not connected to the sewer system after appropriate notice has been given of availability of service pursuant to Code §16-13A-9.

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 17
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 - December 4, 1989
- 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.

- (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.

8.00 PUBLIC SERVICE DISTRICT'S NOTICE OF AVAILABILITY OF SERVICE AND BILLING AFTER NOTICE

- 8.01 (a) Notice by publication - When sewer service is made available by a public service district to customers in an area which has not previously been served by the district, the district shall publish a notice in a newspaper of general circulation in the area affected once a week for two consecutive weeks, with the second notice being published at least 30 days prior to the date that the district intends to begin billing for services. The notice shall state, at a minimum, the following information: (1) that sewer services are available; (2) the date that the district will begin billing for services as authorized by West Virginia Code §16-13A-9 and Rule 3.02 of the Public Service Commission's Rules and Regulations for the Government of Sewer Utilities; (3) the district's rates; (4) that West Virginia Code §16-13A-9 authorizes the district to petition the circuit court to compel connection to the sewer system and; (5) the location and telephone number of the district's business office.
- (b) Publication is not required when service is extended to a single customer at the customer's request.
- (c) Personal notice - In addition to notice by publication, when sewer service is made available to customers in an area which has not previously been served by the district, the district shall provide notice with at least the information as described in section (a) above, personally, to all potential new customers by

certified mail, return receipt requested, personal service with signed and dated receipt or by posting a notice on the premises. If the premises to be served is not inhabited by the owner, notice shall be given to the owner by certified mail, return receipt requested, in addition to giving notice to the customer inhabiting the premises. In the event that the district is not able to effect personal notice after a good faith effort, or if the district establishes that the requirements of this section create an undue hardship on the district, the district may petition the Commission for a waiver of the requirements of personal notice provided in this section.

- 8.02 Customers of public service sewer districts who are not connected to the sewer system after appropriate notice has been given of availability of service pursuant to West Virginia Code {16-13A-9 and Rule 8.01(c) shall be billed the minimum bill or customer charge for service according to the district's tariff. A district which does not have a minimum bill or customer charge provision in its tariff may bill an unconnected customer on the basis of the lesser of metered water usage or 2,000 gallons of water usage until a tariff proceeding for a minimum bill is filed and approved by the Commission.

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

IN THE MATTER OF establishing
rules and regulations for notice
requirement and billing procedures
by public service districts pursuant
to W.Va. Code §16-13A-9.

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. _____.

I. OBJECTIVES OF THE RULES

The purpose of the proposed rule is to provide for uniformity in billing practices to unconnected customers of public service sewer districts after appropriate notice has been given of availability of sewer service pursuant to Code §16-13A-9.

II. COST OF IMPLEMENTING THE PROPOSED RULES

In light of the variance between districts, the financial impact upon them is not presently calculable. However, districts with many unconnected customers may lose revenues until said customers are connected and billed based upon their water usage.

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).

The proposed rule will have no measurable effect upon the costs or revenues of state government.

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

Any economic impact of this rule on the State and its residents will be de minimus, with the exception that unconnected customers may experience decreased sewage bills, since they will no longer be based upon metered water usage.

DATE December 4, 1989 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

