

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 10th day of November 2020.

GENERAL ORDER NUMBER 186.35

In the Matter of Revisions to the Rules Governing Sewer Utilities, 150 C.S.R. Series 5,

and

GENERAL ORDER NUMBER 188.40

In the Matter of Revisions to the Rules Governing Water Utilities, 150 C.S.R. Series 7.

COMMISSION ORDER

The Commission issues proposed rules amending the Rules Governing Sewer Utilities, 150 C.S.R. Series 5 (Sewer Rules), and Rules Governing Water Utilities, 150 C.S.R. Series 7 (Water Rules), and requests public comment.

BACKGROUND and DISCUSSION

On March 7, 2020, the West Virginia Legislature passed Enrolled Committee Substitute for Senate Bill 739 (SB 739), effective ninety days from passage and authorizing the Commission to protect the consumers of distressed and failing water and wastewater utilities by ordering various corrective measures up to and including acquisition of a failing utility by a capable water or wastewater utility. SB 739 amended and reenacted W. Va. Code §§8-12-17, 8-16-18, 8-19-4, 8-20-10, 16-13-16, 16-13A-9, 24-2-1, 24-2-4A, 24-2-11, and 31-15A-9. As it relates to amendments to the Sewer Rules and Water Rules, SB 739 created a new article of the West Virginia Code, Chapter 24, Article 2H. The Commission proposes the addition of Rule 10 to the Sewer Rules and Rule 11 to the Water Rules to implement the statutory amendments.

Sewer Rule 10 and Water Rule 11 set forth the procedural steps necessary to identify a distressed or failing water or wastewater utility and provide assistance to that facility including the management or takeover of that facility by another utility, if necessary.

In addition to the rule amendments required by SB 739, the Commission proposes certain other amendments to the Sewer Rules and Water Rules. The proposed rules are renumbered to conform to current Secretary of State requirements, amend the water leak language in Water Rule 6.4.3 and Sewer Rule 6.4.3, modify Water Rule 6.2.1. and Sewer Rule 6.2.1 to indicate that interest on deposits are now handled by general order and not rulemaking, and modify Water Rule 6.8. and Sewer Rule 6.8 to make these discontinuance of service rules similar to the Rules for the Regulation of Electric Utilities, 150 C.S.R. 3, and Rules for the Regulation of Gas Utilities, 150 C.S.R. 4. The proposed rules also modify the notice of filing language by deleting language requiring a county commission to publish notice of filing with this Commission of an order approving a change in public service district boundaries and, instead, making that language permissive for this Commission to publish notice of the order in accordance with W. Va. Code §16-13A-2. The county commission would have already provided notice of the proceeding held before it on the same issue.

FINDING OF FACT

The passage of SB 739 necessitated changes to the Sewer Rules and Water Rules.

CONCLUSION OF LAW

The Commission should promulgate proposed amended Sewer Rules and proposed amended Water Rules and establish a time frame for written comments.

ORDER

IT IS THEREFORE ORDERED that the Rules Governing Sewer Utilities, 150 C.S.R. Series 5, attached hereto as Appendix A, and the Rules Governing Water Utilities, 150 C.S.R. Series 7, attached hereto as Appendix B, are promulgated as proposed rules for comment.

IT IS FURTHER ORDERED that the Executive Secretary file a copy of the text of the proposed Rules Governing Sewer Utilities, 150 C.S.R. Series 5, attached hereto as Appendix A, and the Rules Governing Water Utilities, 150 C.S.R. Series 7, attached hereto as Appendix B with the required forms with the office of the West Virginia Secretary of State.

IT IS FURTHER ORDERED that General Order Numbers 186.35 and 188.40 are opened and the following schedule is adopted to receive written comments in either or both cases:

Initial Comments

4 p.m. December 10, 2020

Reply Comments

4 p.m. January 11, 2021

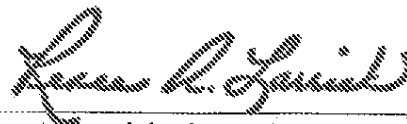
IT IS FURTHER ORDERED that all comments should contain these case numbers, General Order Numbers 186.35 and 188.40, and be addressed to Connie Graley, Executive Secretary, Public Service Commission of West Virginia, P.O. Box 812, Charleston, West Virginia 25323.

IT IS FURTHER ORDERED that the Commission Executive Secretary shall cause a copy of the notice attached as Appendix C to be published once in newspapers of general circulation in each of the following cities: Beckley, Bluefield, Charleston, Clarksburg, Elkins, Fairmont, Huntington, Keyser, Lewisburg, Logan, Martinsburg, Morgantown, Moundsville, Parkersburg, Point Pleasant, Weirton, Welch, Wheeling and Williamson. The Executive Secretary shall thereafter file proof of publication of each notice in this proceeding.

IT IS FURTHER ORDERED that the Commission Executive Secretary shall serve a copy of this Order on all water and sewer utilities operating in West Virginia and the Consumer Advocate Division by electronic service if e-service agreements are on file, or by United States First Class Mail, and on Staff by hand delivery.



Brooks F. McCabe Jr., Commissioner



Renee A. Larrick, Commissioner



Charlotte R. Lane, Chairman

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