

Bond Case Briefs

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PUBLIC UTILITIES - WEST VIRGINIA

Pool v. Greater Harrison County Public Service District

Supreme Court of Appeals of West Virginia - November 5, 2018 - S.E.2d - 2018 WL 5913873

Homeowner appealed order from the West Virginia Public Service Commission (PSC) which dismissed, for lack of jurisdiction, homeowner's action challenging public service district's rate increases.

The Supreme Court of Appeals of West Virginia held that public service district was not subject to PSC jurisdiction.

Each customer of public service district's water and sewage utilities could be counted as a separate customer for each utility, and thus service district was not subject to the jurisdiction of the West Virginia Public Service Commission (PSC) with regard to rate increases; Legislature limited the PSC's jurisdiction by restricting its authority over rates to those charged by public service districts with 4,500 or fewer customers and intended the PSC to measure whether this threshold was met by counting the customers for each utility, such that public service district had in excess of 4,500 total customers for water and sewage.