

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - WEST VIRGINIA**

### **Mason County Public Service District v. Public Service Commission of West Virginia**

**Supreme Court of Appeals of West Virginia - November 10, 2022 - S.E.2d - 2022 WL 16848080**

County public service district appealed Public Service Commission's decision to invalidate \$50 residential water disconnection fee.

The Supreme Court of Appeals held that:

- Commission had statutory authority to investigate and ultimately invalidate disconnect fee even if resident who complained about residential water service disconnection to the Commission did not mention the fee, and
- Commission's order that disconnect fee was an unreasonable practice was consistent with the Commission's precedent and rules.

Public Service Commission had statutory authority to investigate and ultimately invalidate county public service district's practice of charging a \$50 residential water service disconnect fee even if resident who complained about residential water service disconnection to the Commission did not mention the fee.

Public Service Commission's order that county public service district's \$50 residential water service disconnect fee was an unreasonable practice was consistent with the Commission's precedent and rules, even if district, as a locally rate regulated utility, had plenary authority to set rates, fees, and charges; Commission's rules allowed only for a reconnect fee, and Commission historically found that disconnect fees amounted to a double-recovery because the expenses involved should be part of a utility's operation and maintenance expenses recoverable in base rates.