

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - WEST VIRGINIA**

### **Huntington Sanitary Board v. Public Service Commission of West Virginia**

**Supreme Court of Appeals of West Virginia - May 23, 2025 - S.E.2d - 2025 WL 1482207**

City sanitary board sought review of Public Service Commission's designation of sanitary board as the most suitable capable proximate utility to acquire and resume operations of nearby subdivision sewer district.

The Supreme Court of Appeals held that:

- Commission had continuing jurisdiction over subdivision's sewer district;
- Commission adequately considered alternatives to acquisition of sewer district by sanitary board;
- Commission did not err in determining that sanitary board was the most suitable capable proximate utility to acquire sewer district; and
- Fact that requiring sanitary board to acquire sewer district would have required city's council to approve the capital investment, enact a bond ordinance, and exercise eminent domain did not preclude designation of sanitary board as most suitable capable proximate utility to acquire sewer district.

Fact that requiring city sanitary board to acquire failing sewer district for nearby subdivision would have required city's council to approve the capital investment, enact a bond ordinance, and exercise eminent domain to obtain sewer district's property did not preclude designation of sanitary board as most suitable capable proximate utility to acquire sewer district under Distressed and Failing Utilities Act; Commission considered those difficulties associated with the city's approval and participation in selecting sanitary board and directed that Commission staff would assist in navigating those difficulties.