



Public Service Commission Chairman Lane's Column



August 17, 2020

Helping Failing Utilities and Their Customers

We have all heard the horror stories about our fellow West Virginians who cannot access clean, potable water from their water utility company, through no fault of their own. Murky, foul smelling water, constant boil water advisories and unreliable service have become regular occurrences, creating problems for customers who want to wash clothes, bathe, cook or even just drink a glass of water. This occurs when the utility is unable to improve service. Unfortunately, this is not an uncommon story. The Page-Kincaid Public Service District in Fayette County is a prime example.

Earlier this year, the West Virginia Legislature passed Senate Bill 739, the Distressed and Failing Water and Wastewater Utilities Improvement Act, authorizing the Public Service Commission to provide assistance to distressed and failing water and sewer utilities. The new law provides a progressive system of aid to distressed and failing water and sewer utilities that may ultimately result in one utility being acquired by another utility.

The PSC is now required to prepare an annual list of potentially unstable water and sewer utilities and to contact each of them to determine what type of assistance is required to eliminate the conditions causing the instability.

If a utility is unable to stabilize its operations or financial condition after the Commission lends assistance, a proceeding may be initiated to determine if the utility is distressed or failing. The PSC now has the authority to order the utility to reorganize under new management or a new board, enter into an operation and maintenance agreement, merge with another utility or be acquired by a more capable utility. This law will give the PSC the necessary authority to help bring better water and sewer service to West Virginians.

After years of chronic and worsening water quality and service problems, the PSC has given the Page-Kincaid PSD and West Virginia American Water Company 30 days to come to an agreement regarding the future of the long failing Page Kincaid system. It could be the first use of the Distressed and Failing Water and Wastewater Utilities Improvement Act that finally brings relief and clean water to the customers of Page-Kincaid.

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