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SENATE BILL NO. 248

Senate Amendments in [] — January 31, 1996

A *BILL to amend and reenact § 56-235.2 of the Code of Virginia, relating to public utilities; rates; alternative forms of regulation for electric companies.*

Patrons—Saslaw, Barry, Benedetti, Chichester, Colgan, Edwards, Howell, Martin, Maxwell, Reasor and Stosch; Delegates: Barlow, Bennett, Callahan, Cantor, Cranwell, Forbes, Heilig, Jones, J.C., Keating, Murphy, Nixon, Parrish, Plum, Robinson, Scott, Shuler, Tata and Watkins

Referred to the Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That § 56-235.2 of the Code of Virginia is amended and reenacted as follows:**

§ 56-235.2. All rates, tolls, etc., to be just and reasonable to jurisdictional customers; findings and conclusions to be set forth; alternative forms of regulation for electric companies.

A. Any rate, toll, charge or schedule of any public utility operating in this Commonwealth shall be considered to be just and reasonable only if: (1) the public utility has demonstrated that such rates, tolls, charges or schedules in the aggregate provide revenues not in excess of the aggregate actual costs incurred by the public utility in serving customers within the jurisdiction of the Commission, subject to such normalization for nonrecurring costs and adjustments for known future increases in costs as the Commission may deem reasonable, and a fair return on the public utility's rate base used to serve those jurisdictional customers; (1a) the investor-owned public electric utility has demonstrated that no part of such rates, tolls, charges or schedules includes costs for advertisement, except for advertisements either required by law or rule or regulation, or for advertisements which solely promote the public interest, conservation or more efficient use of energy; and (2) the public utility has demonstrated that such rates, tolls, charges or schedules contain reasonable classifications of customers. *Notwithstanding § 56-234, the Commission may approve, either in the context of or apart from a rate proceeding, special rates, contracts or incentives to individual customers or classes of customers where it finds such measures are in the public interest. Such special charges shall not be limited by the provisions of § 56-235.4.* In determining costs of service, the Commission may use the test year method of estimating revenue needs, but shall not consider any adjustments or expenses that are speculative or cannot be predicted with reasonable certainty. In any Commission order establishing a fair and reasonable rate of return for an investor-owned gas, telephone or electric public utility, the Commission shall set forth the findings of fact and conclusions of law upon which such order is based.

B. *Any electric company may apply to the Commission, and the Commission may approve after notice to all affected parties and hearing, an alternative form of regulation. Alternatives may include, but are not limited to, the use of price regulation, ranges of authorized returns, categories of services, price indexing or other alternative forms of regulation. If the Commission approves the application with modifications, the electric company may, at its option, withdraw its application and continue to be regulated under the form of regulation that existed immediately prior to the filing of the application.*

[C. *The Commission shall, before approving special rates, contracts, incentives or other alternative regulatory plans under subsections A and B, assure that such action (i) protects the public interest, (ii) will not unreasonably prejudice or disadvantage any customer or class of customers, and (iii) will not jeopardize the continuation of reliable electric service.*]

ENGROSSED

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