

1 **H. B. 4165**

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3 (By Delegates Guthrie, Manchin, Young and Fleischauer)  
4 [Introduced January 14, 2014; referred to the  
5 Committee on the Judiciary.]  
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10 A BILL to amend and reenact the Code of West Virginia, 1931, as  
11 amended, by adding thereto a new section, designated §24-2-19,  
12 relating to authorizing the Public Service Commission to  
13 regulate broadband services in this state under certain  
14 circumstances; and applying federal interconnection  
15 requirements.

16 *Be it enacted by the Legislature of West Virginia:*

17 That the Code of West Virginia, 1931, as amended, be amended  
18 by adding thereto a new section, designated §24-2-19, to read as  
19 follows:

20 **ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.**

21 **§24-2-19. Jurisdiction of commission over broadband services.**

22 (a) Except as otherwise provided in this section, the  
23 commission may not regulate any broadband service, including  
24 imposing any requirements relating to the terms, conditions, rates

1 or availability of broadband service provided to the end-user.

2 (b) The commission has the authority to:

3 (1) Require an incumbent local exchange carrier to provide  
4 open access to federally funded broadband facilities under rates  
5 and terms that are reasonable and nondiscriminatory;

6 (2) Arbitrate and enforce interconnection agreements as  
7 provided by 47 U.S.C. §§251 and 252; and

8 (3) Investigate and resolve consumer service complaints.

9 (c) The provisions of subsection (a) do not limit or modify  
10 the duties of any telecommunication carrier regarding the provision  
11 of network interconnection, unbundled network elements and resold  
12 services under 47 U.S.C. §251(c).

NOTE: The purpose of this bill is to provide the Public Service Commission jurisdiction to regulate broadband services under certain circumstances, including arbitrating and enforcing interconnection agreements.

§24-2-19 is new; therefore, it has been completely underscored.