

H. B. 2912

(By Delegate R. Smith)

[Introduced February 24, 2015; referred to the
Committee on the Judiciary.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2E-3, relating to third-party telecommunications services provided to residential and business consumers yet billed through the customer's telephone company or telecommunications service provider.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §24-2E-3, to read as follows:

ARTICLE 2E. REQUIREMENTS FOR PHONE SERVICE SALES.**§24-2E-3. Third-party telecommunications services offered to end-users.**

A third-party telecommunication vendor is any business entity that provides any form of service to business or residential end-users of telecommunications networks other than basic local exchange services and that relies upon the telephone company or customer telecommunications service provider to bill and receive payment from the end-user for the enhanced or resold services.

1 The telephone company or telecommunications service provider that provides billing services to a
2 third-party telecommunications vendor shall provide regular and prompt payment to the third-party
3 telecommunications vendor of all moneys received for the services so billed, together with an
4 accurate accounting thereof. The telephone company or telecommunications service provider shall
5 include in its tariff plan and application for approval of tariffs and rates a list or schedule of every
6 third-party telecommunication vendor for which it provides billing services and the agreed amount
7 to be provided to the vendor for each kind of service so billed. In the event of a dispute presented
8 by the third-party telecommunication vendor concerning the amount or the timeliness of the payment
9 due, the telephone company or telecommunications service shall make a full and prompt
10 investigation and report the results thereof to the vendor and to the commission. Upon application
11 for relief by the third-party telecommunication vendor to the commission, the commission may
12 exercise any of the powers granted under article two of this chapter to make a determination of the
13 merits of the application and provide reasonable relief to correct the situation.

NOTE: The purpose of this bill is to specify the duties of a telephone company with regard to other businesses for which the telephone company provides billing services and to provide a means for the investigation and resolution of disputes between the telephone company and the third-party vendor.

§24-2E-4 is new; therefore, it has been completely underscored.