

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4766

BY DELEGATE CAPITO

BY REQUEST OF THE PUBLIC SERVICE COMMISSION

[Introduced February 15, 2022; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §24D-1-1, §24D-1-13, §24D-1-14, §24D-1-16, §24D-1-17, and
2 §24D-1-18 of the Code of West Virginia, 1931, as amended, all relating to establishing
3 uniform customer service and technical standards for the provision of cable service;
4 including uniform customer service and technical standards in the purpose of the Cable
5 Television Systems Act; requiring review and approval by the Public Service Commission
6 prior to the imposition of special surcharges, costs, and fees on cable subscribers; adding
7 additional customer service standards for cable operators, including the adoption of the
8 FCC customer service and technical standards; clarifying when a refund or credit is due a
9 cable subscriber; setting requirements for business offices, including requiring business
10 offices to be located in the county seat of each county in which the cable operator provides
11 cable service and requiring an in-state customer call center; and requiring annual reports
12 to be provided to franchise authorities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. CABLE TELEVISION SYSTEMS ACT.

§24D-1-1. Legislative findings.

1 The Legislature finds that television is an important source of information and
2 entertainment affecting the welfare and economy of the state, and that cable television services
3 have become widespread, often providing the only access to quality television signals in many
4 areas of the state. The Legislature finds that it is in the public interest to establish uniform
5 standards within the state of West Virginia for the issuance, renewal and transfer of cable
6 television franchises; to establish uniform standards for the provision of cable service; to establish
7 uniform customer service and technical standards for the provision of cable service; to establish
8 uniform procedures for the investigation and resolution of complaints concerning cable service;
9 and to establish just, reasonable and nondiscriminatory rates and charges for the provision of
10 cable service to the extent that the service is not subject to effective competition. The purpose of
11 the article is to promote such goals by all available means not in conflict with federal law, rules or

12 regulations.

§24D-1-13. Rates; filing with Public Service Commission; approval.

1 (a) The commission shall require each cable operator to file a schedule of its rates of
2 service on a form and with the notice that the commission may prescribe. The schedule shall be
3 filed with the annual report referenced in section twenty-four of this article.

4 (b) To the extent permitted by federal law, the commission shall regulate rates to ensure
5 that they are just and reasonable both to the public and to the cable operator and are not unduly
6 discriminatory.

7 (c) To the extent permitted by federal law, the commission shall regulate charges other
8 than those related to rates for the provision of basic cable service to ensure that they are just and
9 reasonable and not unduly discriminatory. For each such surcharge, fee, or cost, the cable
10 operator must submit to the commission documentation of the special costs incurred in providing
11 certain services and its calculation of recovery of same from its cable subscribers for written
12 approval by the commission before the surcharge, fee, or cost may be imposed on cable
13 subscribers.

§24D-1-14. Requirement for adequate service; terms and conditions of service.

1 (a) Every cable operator shall provide safe, adequate and reliable service in accordance
2 with applicable laws, rules, franchise requirements and its filed schedule of terms and conditions
3 of service.

4 (b) The commission shall require each cable operator to submit a schedule of all terms
5 and conditions of service in the form and with the notice that the commission may prescribe. The
6 schedule shall be submitted with the annual report referenced in section twenty-four of this article.

7 (c) The commission shall ensure that the terms and conditions upon which cable service
8 is provided are fair both to the public and to the cable operator, taking into account the geographic,
9 topographic and economic characteristics of the service area and the economics of providing
10 cable service to subscribers in the service area.

11 (d) A cable operator shall provide each subscriber a paper copy of his or her monthly bill
12 at no charge. A cable operator shall prorate any charge for service(s) that is cancelled by a
13 subscriber rather than charging for the full term.

14 (e) A cable operator shall provide to its subscribers written notice of any rate increase for
15 the services to which they subscribe at least 30 days in advance so that the subscriber(s) may
16 elect to cancel such service to avoid the rate increase. A cable operator shall also give notice to
17 the commission and the franchising authority of any such rate increase at the same time as notice
18 is given to cable subscribers. If the cable subscriber has elected on-line billing and does not
19 receive a paper bill, then the cable operator shall include the notice as a line item on the on-line
20 bill.

21 (f) A cable operator shall provide to its subscribers written notice of any change in channel
22 realignment at least 30 days in advance. A cable operator shall also give notice to the commission
23 and the franchising authority of any such channel realignment at the same time as notice is given
24 to cable subscribers. If the cable subscriber has elected on-line billing and does not receive a
25 paper bill, then the cable operator shall include the notice as a line item on the on-line bill.

26 (g) Cable subscribers calling any business office or call center shall be able to speak to
27 an actual representative of the cable operator within three minutes of the call being answered.

28 (h) A cable operator shall not charge a cable subscriber a service call fee if the repair or
29 service relates to a malfunction of the cable operator's equipment.

30 (i) A cable operator must comply with all customer service and technical standards
31 established by the Federal Communications Commission. These standards, as amended, are
32 adopted for use and application in regulating cable operators.

§24D-1-16. Credit or refund for interrupted service.

1 (a) If cable service to a subscriber is interrupted for more than 24 continuous hours, such
2 subscriber shall, ~~upon request,~~ automatically, receive a credit or refund from the cable operator
3 in an amount that represents the proportionate share of such service not received in a billing

4 period, provided such interruption is not caused by the subscriber. To ensure such credit, the
5 cable operator shall create a record for each cable subscriber who calls regarding the outage. For
6 all other interrupted service, a subscriber shall only be required to make one request for each
7 interruption in service to receive the credit or refund. The cable operator shall reflect such credit
8 or refund on the subscriber's next billing statement.

9 (b) The commission may promulgate rules establishing a viewing time reliability standard
10 for cable operators and requiring such companies to file with the commission information on
11 service interruptions not caused by subscribers.

§24D-1-17. Office operating requirements; office hours.

1 (a) Each cable operator shall operate a business office in or near its area of operation as
2 approved by the franchise authority or the commission that shall be open and staffed by a local
3 company customer service representative during normal business hours. The business office
4 shall be able to respond to billing issues, including the issuance of bill credits or refunds, exchange
5 equipment, schedule installation and service appointments and answer subscriber questions
6 regarding cable service.

7 (b) ~~and each~~ Each cable operator shall operate sufficient telephone lines, including a local
8 and a toll-free number or any other free calling option, as approved by the commission, staffed
9 by a local company customer service representative during normal business hours.

10 (c) In addition to the requirements of subsection (a) and (b) of this section, each cable
11 operator shall maintain a fully staffed business office at the county seat in each county in which
12 the cable operator provides cable services and a call center within the boundaries of the state to
13 serve their subscribers. Cable operators having fewer than 400 complaints filed in the preceding
14 year with the commission, may request a waiver of the requirements of this subsection and the
15 commission shall grant upon good cause shown.

§24D-1-18. Notice to subscribers regarding quality of service.

1 (a) Annually, every cable operator shall mail to each of its subscribers a notice which:

2 (1) Informs subscribers how to communicate their views and complaints to the cable
3 operator, the franchising authority, and to the commission;

4 (2) States the responsibility of the commission to receive and act on consumer complaints
5 concerning matters other than channel selection, programming and rates; and

6 (3) States the policy regarding the method by which subscribers may request rebates or
7 pro rata credit as described in section sixteen of this article.

8 (b) The notice shall be in nontechnical language, understandable by the general public,
9 and in a convenient format. On or before January 30, each year, the operator shall certify to the
10 franchising authority and the commission that it has distributed the notice as provided in this
11 section during the previous calendar year as required by this section.

NOTE: The purpose of this bill is to adopt uniform service and technical standards, including those established by the FCC; to correct terminology; to ensure adequate review of any special surcharges, costs or fees prior to imposition; to clarify credit/refund requirements for interrupted service; require business offices to be located at the county seat for each county in which cable service is being provided; to include the franchising authority as an entity entitled to receive annual reports from the cable operator; and require customer call centers to be located in the state.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.