

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

## **Senate Bill 648**

BY SENATORS NELSON AND PHILLIPS

[Introduced February 16, 2022; referred  
to the Committee on Government Organization]

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 the Public  
3 Service Commission and the Cable Television Systems Act; setting rates and reviewing  
4 of any special surcharges, costs and fees imposed on cable subscribers; adding additional  
5 customer service standards for cable operators, including the adoption of the Federal  
6 Communications Commission customer service and technical standards; clarifying when  
7 a refund or credit is due a cable subscriber; setting forth requirements for business offices,  
8 including requiring business offices to be located in each county in which the cable  
9 operator provides cable service; and requiring certain cable operators to operate an in-  
10 state customer call center.

*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,  
12 or 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. For each such surcharge, fee or cost, the cable operator shall submit to the  
7 commission for prior written approval, documentation of the special cost incurred in providing  
8 certain services and its calculation of recovery of same from its cable subscribers before the  
9 surcharge, fee or cost may be imposed on cable subscribers.

10 (c) To the extent permitted by federal law, the commission shall regulate charges other  
11 than those related to rates for the provision of basic cable service to ensure that they are just and  
12 reasonable and not unduly discriminatory.

**§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 monthly bill at no  
12 charge. A cable operator shall prorate any charge for service(s) that is cancelled by a subscriber  
13 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: *Provided*, That inclusion of the notice on the on-line bill shall result in not less than 30 days  
21 advance notice to the subscriber.

22 (f) A cable operator shall provide to its subscribers written notice of any change in channel  
23 realignment as soon as possible. A cable operator shall also give notice to the commission and  
24 the franchising authority of any such channel realignment at the same time as notice is given to  
25 cable subscribers. If the cable subscriber has elected on-line billing and does not receive a paper  
26 bill, then the cable operator shall include the notice as a line item on the on-line bill: *Provided*,  
27 That the on-line notice shall be communicated to subscribers prior to the effective date of the  
28 channel realignment.

29 (g) Cable subscribers calling any business office or call center during normal business  
30 hours as defined by the Federal Communications Commission, shall be able to speak to an actual  
31 representative of the cable operator within 30 seconds, including wait time, after the connection  
32 is made. If the call needs to be transferred, transfer time shall not exceed 30 seconds. These  
33 standards shall be met no less than 90 percent of the time under normal operating conditions as  
34 defined by the Federal Communications Commission, measured on a quarterly basis.

35 (h) After normal business hours, a customer call may be answered by a service or an  
36 automated response system. A trained company representative of the cable operator shall  
37 respond to inquiries received after normal business hours during the next business day.

38 (i) A cable operator may not charge a cable subscriber a service call fee if the repair or  
39 service relates to a malfunction of the cable operator's equipment.

40 (j) A cable operator shall comply with all customer service and technical standards  
41 established by the Federal Communications Commission. These standards, as amended, are  
42 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 twenty-four continuous  
2 hours, such subscriber shall, ~~upon request~~ automatically receive a credit or refund from the cable  
3 operator in an amount that represents the proportionate share of such service not received in a  
4 billing period, provided such interruption is not caused by the subscriber. To ensure the credit,  
5 the cable operator shall create a record for each cable subscriber who calls regarding the outage.  
6 For 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 the credit or  
8 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. and each The business  
4 office shall be able to respond to billing issues, including the issuance of bill credits or refunds,  
5 exchange equipment, schedule installation and service appointments, and answer subscriber  
6 questions regarding cable service.

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

1 (c) In addition to the requirements of subsection (a) and (b) of this section, each cable

2 operator that has been subject to a compliance order issued by the Public Service Commission  
3 in a show cause or general investigation proceeding shall maintain a fully staffed business office  
4 in each county in which the cable operator provides cable service and a call center within the  
5 boundaries of the state to serve its subscribers. The foregoing requirements shall be in effect for  
6 a minimum period of five years commencing 60 days from the commission compliance order or  
7 on the effective date of this subsection, whichever occurs later. After five years of operations  
8 under this subsection, a cable operator may petition the commission for, and the commission has  
9 authority to grant, a release of the cable operator from the requirements of this subsection upon  
10 proper showing that the cable operator has met the requirements of the compliance order, is  
11 operating lawfully, and is providing safe, adequate, and reliable cable service.

**§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; and require certain cable providers to operate 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.