



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

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

12 (d) The commission shall require all cable providers providing  
13 service in West Virginia, including out-of-state cable providers,  
14 broadcast West Virginia Public Television.

15 **§24D-1-22. Complaints; violations; penalties.**

16 (a) Complaints of affected parties regarding the operation of  
17 a cable system must be made in writing and filed with the  
18 commission. The commission shall take up such complaints with the  
19 cable operator complained against in an endeavor to bring about  
20 satisfaction of the complaint without formal hearing. The  
21 commission shall not consider any complaint involving programming,  
22 except as provided in subsection (d), section fourteen of this  
23 article, or any other issue that is preempted by federal law.

24 (b) The commission shall resolve all complaints, if possible

1 informally. No form of informal complaint is prescribed, but the  
2 writing must contain the essential elements of a complaint,  
3 including the name and address of the complainant, the correct name  
4 of the cable operator against which the complaint is made, a clear  
5 and concise statement of the facts involved and a request for  
6 affirmative relief.

7 (c) In the event that the commission cannot resolve the  
8 complaint to the satisfaction of all parties, the complainant may  
9 file a formal request to the commission and the complainant and  
10 cable operator shall be afforded all rights including the right of  
11 appeal as set forth in chapter twenty-four of this code.

12 (d) A cable operator may be subject to a fine or civil penalty  
13 in accordance with subsection (e) hereof, upon a determination by  
14 the commission or court that the cable operator has violated any of  
15 the following:

16 (1) The material terms of its cable franchise; or

17 (2) Substantial compliance with this article or rules or  
18 orders prescribed by the commission.

19 (e) The commission may fine or obtain civil penalties against  
20 a cable operator for each violation of subsection (d) of this  
21 section in an amount not less than \$100 nor more than \$1,000 for  
22 each violation. Any penalty assessed under this section is in  
23 addition to any other costs, expenses or payments for which the  
24 cable operator is responsible under other provisions of this

1 section.

2       (f) In addition to fines and civil penalties, the commission  
3 may determine and declare and by order require for violation of  
4 subsection (d) of this section the cable operator to comply with  
5 the terms of its franchise or the requirements of this article or  
6 orders prescribed by the commission.

7       (g) No cable operator may raise rates or retier and charge  
8 subscribers without providing to his or her subscribers sufficient  
9 advance written notice and opportunity to discontinue service.

NOTE: The purpose of this bill is to require all cable providers to provide WV Public Television.

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