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HB 4536

FILED

2006 APR -3 P 4:17

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006

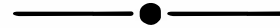


# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

## House Bill No. 4536

(By Delegate Amores)



Passed March 11, 2006

In Effect Ninety Days from Passage

FILED

2006 APR -3 P 4:17

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**H. B. 4536**

(BY DELEGATE AMORES)

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[Passed March 11, 2006; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2E-2, relating generally to improving competition among telephone public utilities providing landline services to business customers; limiting termination fees charged by telephone public utilities for landline service to business customers and providing method of computing termination fee; specifying how this act applies to existing landline business customer services agreements, whether in their original term or in a rollover term; and providing that act does not apply to services agreements between two telephone public utilities.

*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-2, to read as follows:

**ARTICLE 2E. REQUIREMENTS FOR PHONE SERVICE SALES.**

**§24-2E-2. Telephone services agreements.**

1       (a) *Limitation on termination fees.* — On and after the  
2 effective date of this section, no telephone public utility may,  
3 in connection with its continued provision of landline telephone  
4 service pursuant to an automatic renewal provision contained  
5 in a customer service agreement with a business customer,  
6 impose a termination fee that is greater than the charges for one  
7 month's service, which fee shall be computed by averaging the  
8 service charges invoiced to the terminating customer during the  
9 preceding four months.

10       (b) *Service agreements already automatically renewed.* —  
11 If, as of the effective date of this section, a telephone public  
12 utility is providing landline telephone service to a customer  
13 pursuant to an automatic renewal provision contained in a  
14 customer service agreement with a business customer, the  
15 telephone public utility may not impose a termination fee that  
16 is greater than the charges for two months' service, which fee  
17 shall be computed by averaging the service charges invoiced to  
18 the terminating customer during the preceding four months.

19       (c) *Limitation on applicability.* —

20       (1) Nothing herein shall be construed as preventing a  
21 telephone public utility and its business customers from  
22 entering into customer service agreements, governing, among  
23 other matters, any termination fee that may be imposed on the  
24 customer for terminating the service agreement during its initial  
25 term.

26       (2) The provisions of this section do not apply to service  
27 agreements between one telephone public utility and another  
28 telephone public utility.

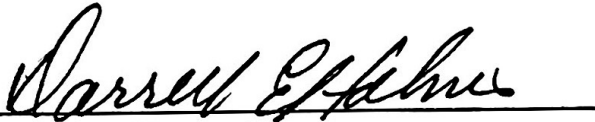
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
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Chairman Senate Committee

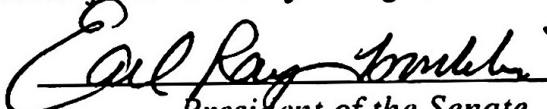
  
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Chairman House Committee

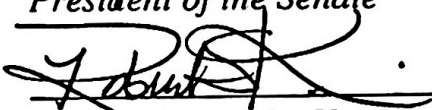
Originating in the House.

In effect ninety days from passage.

  
\_\_\_\_\_  
Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 3rd  
day of April, 2006.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 29 2006

Time 4:10 pm