

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 2502**

By Delegates Hillenbrand, Crouse, Butler, Shamblin,  
Hall, Sheedy, Cooper, Linville, Brooks, Rohrbach, and  
Holstein

[Originating in the Committee on Energy and Public  
Works; Reported on March ---, 2025]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §46A-6-111, relating to establishing limitations on billing practices of Internet or  
3 telecommunications providers that fail to provide subscribed customers service for five or  
4 more days (120 hours); setting forth the purpose of the section; requiring providers to  
5 automatically credit the customer's account for the lack of service proportional to the  
6 number of days of disrupted services; establishing civil penalties; designating Attorney  
7 General to enforce section; requiring providers provide certain data to the Consumer  
8 Protection Division of the Attorney General and establishing confidentiality of same; and  
9 providing these provisions do not apply to mobile service disruptions

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 6. GENERAL CONSUMER PROTECTION.**

### **§46A-6-111. Limitations on Internet or telecommunications service provider charges during service outages; penalty.**

1 (a) Legislative purpose — The purpose of this section is to require Internet or  
2 telecommunications service providers that fail to provide subscribed customers service for five or  
3 more days (120 hours) to automatically credit the customer's account for the lack of service  
4 proportional to the number of days of disrupted services and providers doing business in this state  
5 from charging a customer for services that the customer has not received and further, prohibiting  
6 billing of customer for services during an extended service interruption caused by the provider.  
7 Therefore, the purpose of this section is to place reasonable limitations on the billing practices of  
8 Internet or telecommunications providers to assure that consumers are not required to pay for long  
9 service outages caused by the provider when he or she did not receive services, and further,  
10 prohibit billing for these services in periods when the consumer is not receiving Internet or  
11 telecommunications services.

12 (b) If an Internet or telecommunications service to a subscriber is interrupted for more than  
13 five days (120) continuous hours for reasons not outside the reasonable control of the provider,

14 including force majeure, the subscriber shall automatically receive a credit or refund from the  
15 Internet or telecommunications service provider, in the next billing cycle, an amount that  
16 represents the proportionate share of such service not received in a billing period, provided the  
17 interruption is not caused by the subscriber.

18 (c) If a provider has violated any of the provisions of subsection (b) of this section, the  
19 Attorney General may seek a resolution of the violation and may maintain an action against the  
20 Internet or telecommunications service provider to enforce the provisions of subsection (b) of this  
21 section to recover the excessive costs billed to the customer, and a civil penalty may be assessed,  
22 in an amount determined by the court, of not less than the cost of one month of service to the  
23 customer, but not more than \$5,000.

24 (d) Internet service providers shall provide data concerning the number of customers  
25 receiving credits per month, the total dollar amount of credits provided per month, and the  
26 geographic scope of outages of 120 hours or more for which credits were required. These reports  
27 shall contain the same information provided to the Network Outage Reporting System and must be  
28 provided monthly to the Consumer Protection Division of the Attorney General, not later than the  
29 10th day after the end of the preceding month and reflect the preceding month's number of  
30 outages. All such information provided to the Attorney General shall be held confidential, but may  
31 be utilized by the Attorney General for data analysis and consumer protection. In months where  
32 there are no outages for 120 hours or more for which credits were required, no report shall be  
33 required.

34 (e) As defined by 47 U.S.C. §153, the provisions of §46A-6-111 do not apply to mobile  
35 service disruptions.

NOTE: The purpose of this bill is to establish limitations on billing practices of Internet or telecommunications providers that fail to provide subscribed customers service for five or more days (120 hours) to automatically credit the customer's account for the lack of service proportional to the number of days of disrupted services.

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