

2009 SESSION

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HOUSE BILL NO. 1770

Offered January 14, 2009

Prefiled January 8, 2009

A *BILL to amend the Code of Virginia by adding a section numbered 56-480.3, relating to the offering of certain services by telephone companies.*

Patrons—Pollard; Senator: Stuart

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-480.3 as follows:

§ 56-480.3. Telephone companies to offer certain services.

A. As used in this section:

"Additional services" means one or more telephone service products providing caller identification, call waiting, call forwarding, three-way calling, voice mail, enhanced voice mail caller identification, and dedicated subscriber lines that are (i) not included in the level of telephone service required to be provided by a telephone company to its customers and (ii) offered to customers in certain localities as additional-cost options.

"Underserved locality" means a locality in the Commonwealth (i) in which the certificated telephone company providing local telephone service does not offer additional services, (ii) that is adjacent to a locality in which the same telephone company offers additional services, and (iii) in which customers of the telephone company are charged the same rates for telephone service as are charged to customers of the telephone company in an adjacent locality where the telephone company offers additional services.

B. Upon complaint by any customer of a telephone company that the locality where he receives telephone service is an underserved locality, the Commission shall order a hearing and, if upon such hearing it finds that the complaint is well founded, the Commission shall either:

1. Require the telephone company to offer to customers within the underserved locality the additional services that are offered to the telephone company's customers in an adjacent locality;

2. Reduce the rates that are charged by the telephone company for telephone service within the underserved locality to just and reasonable levels that appropriately reflect the telephone company's failure to offer additional services to such customers; or

3. Prescribe such other appropriate relief that the Commission finds is in the public interest.

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