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**HOUSE BILL NO. 1373**

Offered January 22, 2010

A *BILL to amend and reenact § 56-1.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-483.1, relating to telephone companies; credit for service outage.*

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Patron—Scott, J.M.

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Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That § 56-1.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-483.1 as follows:**

§ 56-1.3. Regulation of Voice-over-Internet protocol service.

Notwithstanding any provision of law, except §§ 56-483.1, 56-484.12:1, and 58.1-3813.1, to the contrary:

1. "Telecommunications service" and "telephone service" shall not include the provision of Voice-over-Internet protocol service for purposes of regulation by the Commission.

2. The Commission shall not have jurisdiction with respect to the regulation of Voice-over-Internet protocol service, including but not limited to the imposition of regulatory fees, certification requirements, and the filing or approval of tariffs.

3. Nothing herein shall be construed to either mandate or prohibit the payment of switched network access rates or other intercarrier compensation, if any, related to Voice-over-Internet protocol service, as may be determined by the Commission.

§ 56-483.1. *Credit for service outage.*

A. *As used in this section:*

"Service outage" means an interruption in telephone service provided through a telephone company's facilities or equipment that does not occur as the result of (i) an act of the subscriber; (ii) the failure or malfunction of equipment or systems not provided by the telephone company; or (iii) a service interruption caused by scheduled service maintenance, alteration, or implementation.

"Telephone company" means any public service corporation or public service company that holds a certificate of public convenience and necessity to furnish local exchange telephone service, including companies that are regulated pursuant to Chapters 16 (§ 56-485 et seq.) and 19 (§ 56-531 et seq.) and companies providing Voice-over-Internet protocol service.

B. Every telephone company shall provide a credit to subscribers affected by any service outage in excess of four continuous hours in accordance with this section. The four-hour period shall commence at the time the telephone company first becomes aware of the service outage.

C. If a service outage does not exceed 48 continuous hours following the time the telephone company first becomes aware of the service outage, the telephone company shall automatically credit the account of each subscriber affected by a service outage that exceeds four continuous hours by an amount equal to one-thirtieth times the applicable monthly charge for each 24-hour period during which the service outage continues beyond four hours.

D. In lieu of the credit required by subsection C, if a service outage exceeds 48 continuous hours following the time the telephone company first becomes aware of the service outage, the telephone company shall automatically credit the account of each subscriber affected by such service outage by an amount equal to one half of the applicable monthly charge for each 24-hour period during which the service outage continues beyond four hours.

E. If a telephone company cannot determine all subscribers affected by a service outage or the duration of the service outage, credit under subsection C or D shall be given to any eligible subscriber who applies for the credit by either written or oral notice within 90 days of the commencement of such service outage.

INTRODUCED

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