

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 180

An Act to amend and reenact § 56-484.2 of the Code of Virginia, relating to telephone exchanges; extension or reduction of local service areas.

[S 214]

Approved April 2, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 56-484.2 of the Code of Virginia is amended and reenacted as follows:

§ 56-484.2. Extension or reduction upon poll of certain subscribers.

A. Upon petition of five percent but in no case less than twenty-five of the subscribers in an established telephone exchange for an extension or reduction of their local service area to include or exclude a contiguous local exchange or exchanges, the Commission shall estimate the approximate change in the monthly rate for service which will result from such extension or reduction. The Commission shall order the affected company or companies to poll those subscribers whose monthly rate for service would change if the proposed changes were adopted. However, polls shall not be required in the exchange or exchanges to which the petitioners desire an extension of local service if (i) any resulting rate increases in any twelve-month period do not, in the aggregate, exceed five percent of the existing monthly one-party residential flat rate service for the affected exchange to which the petitioners desire an extension of local service or (ii) any resulting rate increases in any twelve-month period, in the aggregate, exceed five percent solely due to rate regrouping. ~~If subscriber polls are not required, the Commission shall proceed pursuant to the provisions of § 56-237.2.~~ No more than one petition for a poll from the same group of subscribers shall be considered by the Commission during any three-year period.

B. If a poll is required pursuant to subsection A and a majority of the subscribers are in favor of the proposed change, or if the Commission determines that more than fifty percent of the subscribers have voted in the poll and that a majority of those voting are in favor of the proposed change, the Commission shall order the extension or reduction of their local service area. For the purposes of this section, the number of subscribers in an established telephone exchange shall be deemed to be the number of subscribers in an exchange as of January 1 of the calendar year when the petition is submitted to the Commission. Ballots polling subscribers on a proposed change in local service area shall be counted sixty days after being mailed and the results certified to the Commission.

C. *If a poll is not required pursuant to subsection A, the Commission shall require notice to customers in exchanges in which polls are not required and shall convene a hearing on the proposed extension or reduction of the local calling area if the lesser of five percent or 150 of the customers within such exchanges requests a hearing. The Commission may convene a hearing under this subsection on its own motion without regard to the number of customers who request a hearing.*