

LD6923288

## HOUSE BILL NO. 1956

Offered January 20, 1995

A BILL to amend and reenact § 56-265.4:4 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-481.2, relating to public service companies; local exchange telephone companies.

Patrons—Heilig, Crittenden and Griffith; Senator: Saslaw

Referred to Committee on Corporations, Insurance and Banking

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

**1. That § 56-265.4:4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-481.2 as follows:**

§ 56-265.4:4. Certificate to operate as a telephone utility.

A. No certificate shall be granted to an applicant proposing to furnish local exchange telephone service in the territory of another certificate holder unless and until it shall be proved to the satisfaction of the Commission that the service rendered by such certificate holder in such territory is inadequate to the requirements of the public necessity and convenience. If the Commission shall be of the opinion that the service rendered by the existing certificate holder in such territory is in any respect inadequate to the requirements of the public necessity and convenience, that certificate holder shall be given reasonable time and opportunity to remedy the inadequacy before any certificate shall be granted to an applicant proposing to operate in that territory.

B. The Commission may, however, grant certificates to competing telephone companies for interexchange service where it finds that such action is justified by public interest, and is in accordance with such terms, conditions, limitations, and restrictions as may be prescribed by the Commission for competitive telecommunications services. Any company so certificated shall not be allowed to offer services within local market areas as defined by the State Corporation Commission or in local access and transport areas as established under federal court order until January 1, 1986.

C. Effective January 1, 1996, after notice and hearing, the Commission may, however, grant certificates to applicants proposing to furnish local exchange telephone service in the service territory of another certificate holder if it deems such action to be in the public interest. The Commission may make such certificates subject to the terms and conditions it deems appropriate in the public interest. A Commission order, including appropriate findings of fact and conclusions of law, denying or approving, with or without modification, an application for certification of a new entrant shall be entered no more than one hundred eighty days from the filing of the application, except that the Commission, upon notice to all parties in interest, may extend that period in additional thirty-day increments not to exceed an additional ninety days in all.

§ 56-481.2. Rates, charges and regulations for telephone services provided by new entrants.

If, under subsection C of § 56-265.4:4, a certificate of public convenience and necessity is issued to a new entrant to provide local exchange telephone service, the Commission may approve such regulation for the new entrant as it deems appropriate in the public interest. The Commission may adopt the appropriate method of rate regulation for the various local exchange telephone services that the new entrant may provide, with due consideration being given to the competitiveness of the service.

INTRODUCED

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