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**HOUSE BILL NO. 244**

Offered January 10, 2018

Prefiled January 2, 2018

*A BILL to amend and reenact §§ 56-232 and 56-247.1 of the Code of Virginia, relating to commercial mobile radio service; billing; notice.*

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Patron—Austin

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Referred to Committee on Commerce and Labor

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

**1. That §§ 56-232 and 56-247.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 56-232. Public utility and schedules defined.**

A. The term "public utility" as used in §§ 56-233 to 56-240 and 56-246 to 56-250:

1. Shall mean and embrace every corporation (other than a municipality), company, individual, or association of individuals or cooperative, their lessees, trustees, or receivers, appointed by any court whatsoever, that now or hereafter may own, manage or control any plant or equipment or any part of a plant or equipment within the Commonwealth for the conveyance of telephone messages or for the production, transmission, delivery, or furnishing of heat, chilled air, chilled water, light, power, or water, or sewerage facilities, either directly or indirectly, to or for the public.

2. Notwithstanding any provision of subdivision 1 of this subsection or subsection G of § 13.1-620, shall also include any governmental entity established pursuant to the laws of any other state, corporation (other than a municipality established under the laws of this Commonwealth), company, individual, or association of individuals or cooperative, their lessees, trustees, or receivers, appointed by any court whatsoever, that at any time owns, manages or controls any plant or equipment, or any part thereof, located within the Commonwealth, which plant or equipment is used in the provision of sewage treatment services to or for an authority as defined in § 15.2-5101; however, the Commission shall have no jurisdiction to regulate the rates, terms and conditions of sewage treatment services that are provided by any such public utility directly to persons pursuant to the terms of a franchise agreement between the public utility and a municipality established under the laws of this Commonwealth.

3. Except as provided in subdivision 2, shall not be construed to include any corporation created under the provisions of Title 13.1 unless the articles of incorporation expressly state that the corporation is to conduct business as a public service company.

B. Notwithstanding any provision of law to the contrary, no person, firm, corporation, or other entity shall be deemed a public utility or public service company, solely by virtue of engaging in production, transmission, or sale at retail of electric power as a qualifying small power producer using renewable or nondepletable primary energy sources within the meaning of regulations adopted by the Federal Energy Regulatory Commission in implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-617) and not exceeding 7.5 megawatts of rated capacity, nor solely by virtue of serving as an aggregator of the production of such small power producers, provided that the portion of the output of any qualifying small power producer which is sold at retail shall not be sold to residential consumers.

C. No qualifying small power producer, within the meaning of regulations adopted by the Federal Energy Regulatory Commission, shall be deemed a public utility within the meaning of Chapter 7 (§ 62.1-80 et seq.) of Title 62.1.

D. The term "public utility" as herein defined shall not be construed to include any chilled water air-conditioning cooperative serving residences in less than a one square mile area, or any company that is excluded from the definition of "public utility" by subdivision (b)(4), (b)(8), (b)(9), or (b)(10) of § 56-265.1.

E. Subject to the provisions of § 56-232.1, the term "schedules" as used in §§ 56-234 through 56-245 shall include schedules of rates and charges for service to the public and also contracts for rates and charges in sales at wholesale to other public utilities or for divisions of rates between public utilities, but shall not include contracts of telephone companies with the state government or contracts of other public utilities with municipal corporations or the federal or state government, or any contract executed prior to July 1, 1950.

F. Except to the extent preempted by federal law, the term "public utility" as used in § 56-247.1 shall include commercial mobile radio service as defined in 47 C.F.R. § 20.3, as amended.

**§ 56-247.1. Commission to require public utilities to follow certain procedures.**

A. The Commission shall require that public utilities adhere to the following procedures for services not found to be competitive:

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59 1. Every public utility shall provide its residential customers one full billing period to pay for one  
60 month's local or basic services, before initiating any proceeding against a residential customer for  
61 nonpayment of local service.

62 2. Pay the residential customer a fair rate of interest as determined by the Commission on money  
63 deposited and return the deposit with the interest after not more than one year of satisfactory credit has  
64 been established.

65 3. Every public utility shall establish customer complaint procedures which will insure prompt and  
66 effective handling of all customer inquiries, service requests and complaints. Such procedure shall be  
67 approved by the Commission before its implementation and it shall be distributed to its residential  
68 customers.

69 4. No electric or gas utility shall terminate a customer's service without 10 days' notice by mail to  
70 the customer.

71 5. No public utility shall terminate the residential service of a customer for such customer's  
72 nonpayment of basic nonresidential services as defined by its terms and conditions on file with the  
73 Virginia State Corporation Commission.

74 6. A public utility providing water service shall not terminate service for nonpayment until it first  
75 sends the customer written notice by mail 10 days in advance of making the termination but, in no  
76 event, shall it terminate the customer's service until 20 days after the customer's bill has become due.  
77 Any such notice shall also include contact information for the customer's use in contacting the public  
78 utility regarding the notice.

79 7. Any electric utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.) may install and  
80 operate, upon a customer's request and pursuant to an appropriate tariff for any type or classification of  
81 service, a prepaid metering equipment and system that is configured to terminate electric service  
82 immediately and automatically when the customer has incurred charges for electric service equal to the  
83 customer's prepayments for such service. Subdivisions 1, 2, 4, and 5 shall not apply to services provided  
84 pursuant to electric service provided on a prepaid basis by a prepaid metering equipment and system  
85 pursuant to this subsection. Such tariffs shall be filed with the Commission for its review and  
86 determination that the tariff is not contrary to the public interest.

87 8. *Every public utility providing commercial mobile radio service to persons whose billing address is*  
88 *within the Commonwealth shall include with each bill a notice stating: "It is unlawful for any person to*  
89 *text or use a handheld personal communications device while operating a motor vehicle in a highway*  
90 *work zone when workers are present."*

91 B. Any and all Commission rules and regulations concerning the denial of telephone service for  
92 nonpayment of such service shall not apply to services found to be competitive.