

Public Service Commission

Richard E. Hitt, General Counsel



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April 20, 1999

Judy Cooper, Director
Administrative Law Division
Secretary of State's Office
Building 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0771

Re: Cable Television Rules

Dear Judy:

We weren't able to spend a great deal of time making changes to the existing cable television rules. Generally, all references to the Board in the existing rules should be changed to the Public Service Commission. All references to Chapter 5, Article 18, Section 1 et seq. of the West Virginia Code should be changed to West Virginia Code Section 24D-1-1 et seq. I have tried to make all these changes throughout the rules but I may have missed a couple of spots.

After these rules have been revised, I would appreciate a diskette that contains the rules. During the process of reviewing these rules, it is apparent to the Commission that we will need to engage in a fairly comprehensive rulemaking in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hitt", written over a circular flourish.

Richard E. Hitt
General Counsel

REH/cbd
Enclosure
rickmisc/cooper17.wpd

TITLE 150
LEGISLATIVE RULE
~~CABLE TELEVISION ADVISORY BOARD~~

PSC

June 30, 97

SERIES 31
CALCULATION AND COLLECTION
OF LATE FEES

Ed Note: HB 2453 passed March 13, 1999 and effective June 11, 1999 authorizes the PSC to adopt rules concerning cable television. In §24D-1-23(b) the bill states: "The rules and regulations promulgated by the cable advisory board pursuant to repealed §5-18-1 and in effect on December 31, 1997, shall remain in effect and hereby become the rules and regulations of the commission." This was 187CSR6.

§150-31-1. General.

1.1. Scope. -- This legislative rule sets forth the methods to be used by cable operators in calculating and collecting late fees from subscribers.

1.2. Authority. -- W. Va. Code ~~§5-18-26(b)~~ *§24D-1-1 et seq*

1.3. Filing Date. -- June 11, 1999.

1.4. Effective Date. -- June 11, 1999.

§150-31-2. Definitions.

2.1. For the purpose of this rule, the terms "late fee" or "late fees" include any fee, assessment or charge levied by a cable operator for the purpose of recovering the costs of billing and processing balances unpaid by the scheduled due date of a delinquent subscriber's monthly bill.

§150-31-3. Method of Calculation.

3.1. Cable operators electing to charge late fees may charge a fixed fee of not more than two dollars on the unpaid balance after the scheduled due date.

§150-31-4. Method of Notification.

4.1. Cable operators must provide written notice to cable subscribers of the operator's late

fee policy prior to charging any late fees. One of the following methods shall be used:

4.1.a. For companies with monthly, bi-monthly or quarterly billing periods, notice shall be printed on or supplied with each billing statement detailing the scheduled due date and the amount of percentage rate of any possible late fee: or

4.1.b. For companies with annual or coupon book billing systems, a written notice must be supplied to each subscriber at least annually detailing the due date and amount or percentage rate of any possible late fee. This information may be included with any notice required by W. Va. Code ~~§5-18-1 et seq.~~ or by federal law to be delivered to subscribers. *§24D-1-1*

§150-31-5. Prohibition of Duplicate Collection.

5.1. A cable operator may collect a late charge only once on any individual billing statement for a billing period, however long it remains unpaid.

§150-31-6. Requirement of Reasonable Notice.

6.1. A cable operator may not impose a late fee unless the scheduled due date of a payment is at least twenty days following the date the bill or statement for such payment is mailed to the subscriber by placing the same, postage prepaid, in the United States mail.