

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

FILED

JAN 31 2 06 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Cable Television Advisory Board TITLE NUMBER: 187

CITE AUTHORITY: W. Va. Code section 5-18-16(b) and 5-18A-8(c)

RULE TYPE: PROCEDURAL XX INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____, NO XX

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____


TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: Series 5

TITLE OF RULE BEING ADOPTED: Form and Service of Notice under

West Virginia Code section 5-18A-8

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS March 5, 1994



Mary Collins
Executive Secretary

TITLE 187
PROCEDURAL RULE
CABLE TELEVISION ADVISORY BOARD

SERIES 5
FORM AND SERVICE OF NOTICE
UNDER W. VA. CODE § 5-18A-8

SUMMARY OF PROPOSED RULE

This rule provides for the contents of the notice required to be delivered by a cable operator to a landlord and/or tenant under W. Va. Code § 5-18A-8 prior to the cable operator's installation of cable service and/or equipment on the landlord's property. Additionally, a sample form for the required notice is provided which is deemed sufficient. Also, acceptable methods are established to show proof that the notice has been properly served.

FILED

TITLE 187
PROCEDURAL RULE
CABLE TELEVISION ADVISORY BOARD

JAN 31 2 06 PM '94

SERIES 5
FORM AND SERVICE OF NOTICE
UNDER W. VA. CODE § 5-18A-8

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§ 187-6-1. General.

1.1. Scope. -- This procedural regulation establishes the form of notice and procedures for the service of notice required under W. Va. Code § 5-18A-8 whenever a cable operator proposes to install cable television service or facilities upon the property of a landlord.

1.2. Authority. -- W. Va. Code §§ 5-18-26(b) and 5-18A-8(c).

1.3. Filing date. -- January 31, 1994.

1.4. Effective date. -- March 5, 1994.

§ 187-6-2. Form of Notice.

2.1. The notice required under W. Va. Code § 5-18A-8 when required to be in written form shall contain the following:

2.1(A). The name and address of the landlord;

2.1(B). The name and address of the cable operator;

2.1(C). A citation to the West Virginia Tenants' Rights to Cable Services Act, W. Va. Code §§ 5-18A-1 et seq. and particularly W. Va. Code § 5-18A-8;

2.1(D). A description of the facilities and equipment to be installed upon the property; and

2.1(E). A short description of the property upon which the installation is to be made.

2.1(F). The approximate date of installation.

2.2. The requirements of section 2.1. will be deemed to be met when the required notice is in a form in substantial compliance to exhibit A attached hereto.

§ 187-6-3. Service of Notice.

3.1. Whenever written notice of installation is required to be served on a tenant, landlord, or authorized agent the following

shall be deemed to be proof that service of the written notice has been made:

3.1(A). A statement signed by the person upon whom the notice is to be served which indicates the date the notice was served; or

3.1(B). A statement signed by a credible person, over the age of eighteen (18), that the written notice was personally delivered by such person to the person upon whom it is to be served or that person's authorized agent and showing the date service of the notice is accomplished; or

3.1(C). The return receipt of delivery by certified mail showing acceptance by the person upon whom the notice is to be served or that person's authorized agent.

EXHIBIT A

NOTICE OF INTENT TO INSTALL CABLE
TELEVISION SERVICE OR FACILITIES

TO:

(Name of Landlord/Tenant)

(Address of Landlord/Tenant)

Notice is hereby given that _____,
(Name of Cable Operator)

_____, will be installing cable
(Address of Cable Operator)

television service and/or facilities described below upon your

property on or about _____, at
(Date)

approximately _____,
(Time)

Description of facilities and equipment to be installed.

This Notice is provided in accordance with the provisions of
the Tenants' Rights to Cable Services Act, W. Va. Code § 5-18A-8.

TITLE 187
PROCEDURAL RULE
CABLE TELEVISION ADVISORY BOARD

SERIES 5
FORM AND SERVICE OF NOTICE
UNDER W. VA. CODE § 5-18A-8

AMENDMENTS OF PROPOSED RULE

No amendments were made to the rule as originally proposed.

TITLE 187
PROCEDURAL RULE
CABLE TELEVISION ADVISORY BOARD

SERIES 5
FORM AND SERVICE OF NOTICE
UNDER W. VA. CODE § 5-18A-8

COMMENTS RECEIVED DURING COMMENT PERIOD

No comments, either written or oral, were received during comment period.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

RECEIVED

MAR 30 1994

WV CABLE TV
ADVISORY BOARD

TO: Don Darling

AGENCY: Cable TV Advisory

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 25, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 5 TITLE: 187 Cable TV Advisory

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Donald L. Darling

TITLE OF PERSON SIGNING: Legal Counsel

DATE: April 1, 1994

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.