

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

DO NOT MARK IN THIS BOX

FILED

APR 23 2 06 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

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

AMENDMENT TO AN EXISTING RULE: YES___, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 6

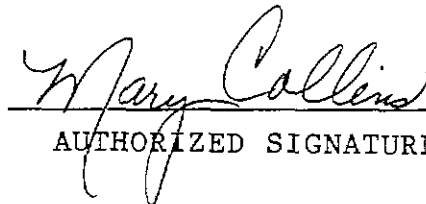
TITLE OF RULE BEING PROPOSED: Calculation and Collection of Late Fees

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 162

SECTION 64-9-5(a), PASSED ON March 9, 1996

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: June 7, 1996



AUTHORIZED SIGNATURE



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

CATHERINE FREROTTE
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STATE OF WEST VIRGINIA

SECRETARY OF STATE

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

(Plus all the volunteer
help we can get)

March 12, 1996

Donald L Darling
Cable Television Advisory Board
PO Box 812
201 Brooks Street
Charleston, WV 25323

SB 162 authorizing, **Title 187, Series 06, Calculation & Collection of Late Fees** passed the Legislature on **March 9, 1996**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **SB 162** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 162 Section 64-9-5(a)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,
Administrative Law Division

TITLE 187
LEGISLATIVE RULE
CABLE TELEVISION ADVISORY BOARD

SERIES 6
CALCULATION AND COLLECTION OF LATE FEES

- May 11, 1995 West Virginia Cable Television Advisory Board ("WVCTAB") at its regular monthly meeting approves proposed rule and sets a public hearing for June 15, 1995 at 1:00 p.m. Comment period closes on June 15, 1995 also.
- May 12, 1995 Proposed rule is filed, along with notice of public hearing, with Secretary of State and Legislative Rulemaking Review Committee.
- June 15, 1995 Public hearing held and comment period closes. WVCTAB considers comments and approves rule as proposed.
- July 18, 1995 Proposed rule filed, along with written comments, transcript of public hearing, and other required documents, with Secretary of State and Legislative Rulemaking Review Committee.
- July 25, 1995 WVCTAB receives Analysis of Proposed Legislative Rule under date July 21, 1995, from Legislative Rulemaking Review Committee counsel.
- Sept. 11, 1995 Proposed rule is considered by Legislative Rulemaking Review Committee and certain changes in rule are directed.
- Sept. 19, 1995 WVCTAB files Notice of Rule Modification of a Proposed Rule to conform to changes made by Legislative Rulemaking Review Committee with the Secretary of State and the Legislative Rulemaking Review Committee.
- Oct. 17, 1995 The Legislative Rulemaking Review Committee authorizes WVCTAB to promulgate rule as modified.
- March 9, 1996 Rule approved by Legislature through passage of SB 162.

FILED

TITLE 187
LEGISLATIVE RULE
CABLE TELEVISION ADVISORY BOARD

APR 23 2 06 PM '96

SERIES 6
CALCULATION AND COLLECTION OF LATE FEES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§187-6-1. 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. -- West Virginia Code § 5-18-26(b)

1.3. Filing Date. -- April 23, 1996

1.4. Effective Date. -- June 7, 1996

§187-6-2. 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.

§187-6-3. Method of Calculation.

3.1. Cable operators electing to charge late fees must use one of the following methods:

3.1.a. A fixed rate fee not to exceed two (2) dollars may be charged on the unpaid balance after the scheduled due date; or

3.1.b. A percentage fee not to exceed five (5) percent may be charged on the unpaid balance after the scheduled due date, which ever is less.

§187-6-4. 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 West Virginia Code §5-18-1 et seq. or by federal law to be delivered to subscribers.

§187-6-5. 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.

§187-6-6. 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.

1727

H. B. 4241

(By Delegates Douglas, Gallagher, Faircloth, Compton,
Linch and Riggs)

(Introduced January 29, 1996; referred to the
Committee on the Judiciary.)

1876

A BILL to amend article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nine, relating to authorizing the cable television advisory board to promulgate legislative rules relating to the calculation and collection of late fees.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section nine, to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND
BOARDS TO PROMULGATE LEGISLATIVE RULES.

§64-9-9. Cable television advisory board.

4241

1 The legislative rules filed in the state register on
2 the eighteenth day of July, one thousand nine hundred
3 ninety-five, under the authority of section twenty-six,
4 article eighteen, chapter five, of this code, modified by
5 the cable television advisory board to meet the objections
6 of the legislative rule-making review committee and refiled
7 in the state register on the nineteenth day of September,
8 one thousand nine hundred ninety-five, relating to the
9 cable television advisory board (calculation and collection
10 of late fees, 187 CSR 6), are authorized.

11

12 NOTE: The purpose of this bill is to authorize the
13 Cable Television Advisory Board to promulgate legislative
14 rules relating to the calculation and collection of late
15 fees.

16

17 This section is new; therefore, strike-throughs and
18 underscoring have been omitted.

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SENATE BILL NO. 172

(By Senators Ross, Anderson, Boley,
Buckalew, Grubb and Macnaughtan)

[Introduced January 29, 1996; referred
to the Committee on

THE JUDICIARY

187-6

10 A BILL to amend article nine, chapter sixty-four of the
11 code of West Virginia, one thousand nine hundred
12 thirty-one, as amended, by adding thereto a new
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14 authorizing the cable television advisory board to
15 promulgate legislative rules relating to the
16 calculation and collection of late fees.

17 Be it enacted by the Legislature of West Virginia:

18 That article nine, chapter sixty-four of the code of
19 West Virginia, one thousand nine hundred thirty-one, as
20 amended, be amended by adding thereto a new section,
21 designated section nine, to read as follows:

22 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND
23 BOARDS TO PROMULGATE LEGISLATIVE RULES.

24 §64-9-9. Cable television advisory board.

1 The legislative rules filed in the state register on
2 the eighteenth day of July, one thousand nine hundred
3 ninety-five, under the authority of section twenty-six,
4 article eighteen, chapter five, of this code, modified by
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(Plus all the volunteer help we can get)

RECEIVED

JUL 25 1996

WV CABLE TV
ADVISORY BOARD

TO: DONALD L DARLING

AGENCY: CABLE TELEVISION ADVISORY

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 24, 1996

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: 6 TITLE: 187 CABLE TELEVISION ADVISORY

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

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

SIGNED: Donald L. Darling - Donald L. Darling

TITLE OF PERSON SIGNING: Legal Counsel

DATE: June 27, 1996

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

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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