

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 56-234 of the Code of Virginia, relating to electric utilities; duty to furnish*
 3 *adequate service; delay in provision of service.*

4 [H 1151]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 56-234 of the Code of Virginia is amended and reenacted as follows:**8 **§ 56-234. Duty to furnish adequate service at reasonable and uniform rates.**

9 A. It shall be the duty of every public utility to furnish reasonably adequate service and facilities at
 10 reasonable and just rates to any person, firm or corporation along its lines desiring same. Notwithstanding
 11 any other provision of law:

12 1. A telephone company shall not have the duty to extend or expand its facilities to furnish service and
 13 facilities when the person, firm or corporation has service available from one or more alternative providers of
 14 wireline or terrestrial wireless communications services at prevailing market rates; and

15 2. A telephone company may meet its duty to furnish reasonably adequate service and facilities through
 16 the use of any and all available wireline and terrestrial wireless technologies; however, a telephone company,
 17 when restoring service to an existing wireline customer, shall offer the option to furnish service using
 18 wireline facilities.

19 For purposes of subdivisions 1 and 2, the Commission shall have the authority upon request of an
 20 individual, corporation, or other entity, or a telephone company, to determine whether the wireline or
 21 terrestrial wireless communications service available to the party requesting service is a reasonably adequate
 22 alternative to local exchange telephone service.

23 The use by a telephone company of wireline and terrestrial wireless technologies shall not be construed to
 24 grant any additional jurisdiction or authority to the Commission over such technologies.

25 For purposes of subdivision 1, "prevailing market rates" means rates similar to those generally available to
 26 consumers in competitive areas for the same services.

27 B. It shall be the duty of every public utility to charge uniformly therefor all persons, corporations or
 28 municipal corporations using such service under like conditions. However, no provision of law shall be
 29 deemed to preclude voluntary rate or rate design tests or experiments, or other experiments involving the use
 30 of special rates, where such experiments have been approved by order of the Commission after notice and
 31 hearing and a finding that such experiments are necessary in order to acquire information which is or may be
 32 in furtherance of the public interest. The Commission's final order regarding any petition filed by an
 33 investor-owned electric utility for approval of a voluntary rate or rate design test or experiment shall be
 34 entered the earlier of not more than six months after the filing of the petition or not more than three months
 35 after the date of any evidentiary hearing concerning such petition. The charge for such service shall be at the
 36 lowest rate applicable for such service in accordance with schedules filed with the Commission pursuant to
 37 § 56-236. But, subject to the provisions of § 56-232.1, nothing contained herein or in § 56-481.1 shall apply
 38 to (i) schedules of rates for any telecommunications service provided to the public by virtue of any contract
 39 with, (ii) for any service provided under or relating to a contract for telecommunications services with, or (iii)
 40 contracts for service rendered by any telephone company to, the state government or any agency thereof, or
 41 by any other public utility to any municipal corporation or to the state or federal government. The provisions
 42 hereof shall not apply to or in any way affect any proceeding pending in the State Corporation Commission
 43 on or before July 1, 1950, and shall not confer on the Commission any jurisdiction not now vested in it with
 44 respect to any such proceeding.

45 C. The Commission may conclude that competition can effectively ensure reasonably adequate retail
 46 services in competitive exchanges and may carry out its duty to ensure that a public utility is furnishing
 47 reasonably adequate retail service in its competitive exchanges by monitoring individual customer complaints
 48 and requiring appropriate responses to such complaints.

49 D. An electric utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.) may meet its duty to
 50 furnish reasonably adequate service through unregulated sales of electric power directly from one or more of
 51 its affiliates to any customer located within the cooperative's certificated service territory that contracts for
 52 electric utility services to serve a demand that is reasonably expected to exceed 90 megawatts.

53 E. *Notwithstanding the provisions of subsection A, a distributor, as that term is defined in § 56-576, may*
 54 *delay the provision of service if such delay is necessary to maintain electric grid reliability, to avoid*
 55 *exceeding available generation or transmission capacity constraints, or to ensure compliance with load*
 56 *interconnection policies or rules issued by the Commission or the Federal Energy Regulatory Commission.*

ENROLLED

HB151ER

- 57 2. That the provisions of this act shall not be construed to contradict the findings of the State
58 Corporation Commission in Case No. PUR 2026-00011.
59 3. That the provisions of this act shall be interpreted and implemented consistently with § 205 of the
60 Federal Power Act and Order No. 888, 61 Fed. Reg. 21,540 (May 10, 1996).
61 4. That the provisions of this act shall become effective on July 1, 2027.