

**TITLE 13
PUBLIC UTILITIES
(ELECTRIC AND TELEPHONE)**

- 13-1 Franchises.
- 13-2 Service to Main Street.
- 13-3 Public Rights-of-Way Use Fee

§ 13-1. Franchises. Electric power and telephone service shall be supplied within the town under franchise granted by the town.

§ 13-2. Service to Main Street. On and after July 1, 1977, electrical service provided for any structure including remodeling, rehabilitation or new construction on Main Street of this town shall be provided from either Liberty or Grove Streets.

§ 13-3. Public rights-of-way use fee for providers of telecommunications services.

- (a) For purposes of this section:

"Access lines" include residence and business telephone lines and other switched common lines connecting the customer premises to the end office switch. Access lines do not include local, state, and federal government lines; access lines used to provide service to users as part of the Virginia Universal Service Plan; interstate and intrastate dedicated WATS lines; special access lines; off-premises extensions; official lines used by providers of telecommunications service for administrative, testing, intercept, and verification purposes; and commercial mobile radio service lines.

"Certificated provider of telecommunications service" means a public service corporation holding a certificate issued by the state corporation commission to provide local exchange or interexchange telephone service.

"Public rights-of-way use fee" means a fee charged and billed monthly to the ultimate end user of each access line of a certificated provider of local exchange telephone service, as provided in Virginia Code § 56-468.1, the rate of which fee shall be established annually by the Virginia Department of Transportation in the manner specified in Virginia Code § 56-468.1.

- (b) Effective July 1, 2002, the public rights-of-way use fee is hereby imposed on the ultimate end user of each access line, and shall be collected by each certificated provider of local exchange telephone service operating in the Town of Bridgewater, but not providers of commercial mobile radio services. Within two (2) months after the end of each calendar quarter, each such certificated provider shall remit to the town treasurer the amount of public rights-of-way use fees it has billed to end users of the provider's services during such preceding quarter. Fees so collected by certificated providers shall be deemed to be held in trust until remitted to the town treasurer. Until the ultimate end user pays the public rights-of-way use fee to the local exchange provider, such fee shall constitute a debt of the ultimate end user to the town until paid to such provider. If any ultimate end user refuses to pay the public rights-of-way use fee, the local exchange service provider shall provide the name and address of each such ultimate end user on a quarterly basis along with the remittance of fees.
- (c) No certificated provider of telecommunications services shall be required to pay such permit or inspection fees or any other town fees charges (except for zoning, subdivision, site plan and comprehensive plan fees of general application) as a condition of, or as compensation for, its use of the public rights-of-way.

- (d) Nothing in this section, however, shall relieve any certificated provider of telecommunications services from submitting plans, applying for permits, and adhering to applicable standards for construction, installation of facilities, and street or roadway repairs in the manner required by any applicable statutes, ordinances or regulations, provided such requirements are no greater than those imposed on all providers of telecommunications or nonpublic providers of cable television, electric, natural gas, water or sanitary sewer services. Any application by a certificated provider of telecommunications services to use town rights-of-way shall be granted or denied within forty-five (45) days after receipt, and, if denied, shall be accompanied by a written explanation of the reasons for denial and the actions required to cure the denial.
- (e) Nothing in this section shall affect the type or amount of fees payable by providers of cable television services pursuant to any existing or future franchise, license or permit granted by the town.
- (f) Nothing in this section shall affect any amount payable by any provider of telecommunications services for the right to locate towers or other facilities on property of the town other than within the public rights-of-way, nor shall anything prohibit the town from entering into voluntary pole attachment, conduit occupancy or conduit construction agreements with any certificated provider of telecommunications service.
- (g) The town shall annually expend at least ten (10) percent of the amount of public rights-of-way use fees it receives under this section for transportation construction or maintenance purposes.

(Added March 12, 2002.)