



Jim Justice
Governor of West Virginia

March 30, 2022

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 4001

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 4001, which generally relates to broadband. Although I fully support the intent of this legislation and have worked tremendously to expand broadband access across the State, this bill contains fatal flaws and provisions which are prohibited by federal law.

For example, Enrolled Committee Substitute for House Bill 4001 establishes, within §31G-7-2, rate and billing regulations that are prohibited by the Federal Communications Act of 1934, 47 U.S.C. 151 *et seq.*, 47 U.S.C. § 542, and 47 C.F.R. § 54.712. If this law were to become effective, the bill would be subject to a federal court injunction, potentially delaying the deployment of vital broadband throughout this State.

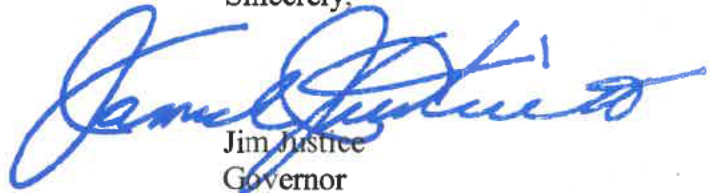
Additional concerns have been expressed by many broadband providers of all sizes that do business in the State, from the West Virginia Office of Broadband, from members of the Broadband Enhancement Council, and from local government officials, all of whom have significant experience in broadband expansion projects around the State.

For these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill 4001 as it was presented to me. I have directed the Department of Economic Development to work with Legislative leadership, the sponsors of this bill, and all interested and knowledgeable parties to revisit and perfect this important legislation. This group includes, but is not limited to,

OFFICE OF THE GOVERNOR

consumer advocates, the Public Service Commission, and the Broadband Enhancement Council. I will request the Legislature take up this important matter, with input from all interested parties, in the upcoming Special Session to make sure the deployment of broadband all over this State is as efficient and is as successful as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice", is written over the typed name and title.

Jim Justice
Governor

cc: The Honorable Craig P. Blair
President of the Senate
The Honorable Roger Hanshaw
Speaker of the House of Delegates