WEST VIRGINIA CODE: §31G-6-2

§31G-6-2. Pre-emption in favor of broadband service in pole attachments; construction of language in pole attachment agreements.

(a) Notwithstanding any other provision of the West Virginia Code or the West Virginia Code of State Rules to the contrary, any ordinance of any political subdivision regarding pole attachment spacing, positioning, or order by or between any Investor Owned Utility ("IOU") and any Incumbent Local Exchange Carrier ("ILEC") and/or Competitive Local Exchange Carrier ("CLEC") which would seek to provide broadband service, is hereby pre-empted to the extent necessary in favor of such broadband installation or deployment.

(b) Any corporate policy, individual agreement, organizational policy, contract, or like document relating to pole attachment spacing, positioning, or order by or between any Investor Owned Utility ("IOU") and any Incumbent Local Exchange Carrier ("ILEC") and/or Competitive Local Exchange Carrier ("CLEC") shall be strictly construed in favor of encouraging and assisting broadband installation and deployment.

WV Legislature