

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 1002

By: Robinson of the Senate

and

Anthony of the House

( Corporation Commission - amending requirements -  
emergency )

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

"( Corporation Commission - amending 17 O.S., Section 131 -  
requirement for certain certificate - codification -  
emergency )

SECTION 1. AMENDATORY 17 O.S. 1991, Section 131, as  
amended by Section 1, Chapter 365, O.S.L. 1993 (17 O.S. Supp. 1995,  
Section 131), is amended to read as follows:

Section 131. (a) It shall be unlawful for any person, firm,  
association, corporation or cooperative to construct, build or equip  
any public telephone, toll or long-distance line or lines or any  
public telephone exchange or exchanges or commence operations of  
such toll or long-distance line or exchange without having first  
obtained from the Corporation Commission of the State of Oklahoma a  
certificate that the present or future public convenience and  
necessity require or will require the operation of such business or  
extension or a certificate that operation of such business is in the

public interest. This section shall not be construed to require any telephone company to secure such a certificate for any extension within or to any territory already served by it or for any extension into a territory contiguous to a territory already served by it on which it has heretofore filed with the Commission an exchange area map showing the territory professed to be served by such telephone company.

(b) The Commission shall not grant a certificate for a proposed plant, line or system, or extension thereof, which will be in competition with or duplication of any other plant, line or system, unless it shall first determine that the existing facilities are inadequate to meet the reasonable needs of the public, or that the person operating the same is unable to or refuses or neglects, after hearing, on reasonable notice, to provide reasonably adequate service, or that granting of a certificate is in the public interest. ~~Provided, in exercising its authority to implement alternative regulation pursuant to Section 3 of this act, the~~ The Commission may require the person or entity operating the existing facilities to provide access to such facilities to certified alternative or competitive service providers, where appropriate, on such terms and conditions as the Commission shall deem just, reasonable and in the public interest.

(c) Any person obtaining a certificate hereunder for any territory shall exercise said authority within a reasonable time. If such person fails or refuses to provide reasonably adequate service to such territory or any part thereof, after notice and a reasonable opportunity to do so, the Commission, in addition to other powers provided by law, shall have the power to vacate and declare open any or all of said telephone company's territory.

SECTION 2. It is the intent of the Legislature that Section 1 of this act be an amendment to, and alteration of, Sections 18 through 34, inclusive, of Article IX of the Constitution of the

State of Oklahoma, as authorized by Section 35 of Article IX of the Constitution of the State of Oklahoma.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 137.3 of Title 17, unless there is created a duplication in numbering, reads as follows:

Any telephone company located in this state providing telephone service to a church proper shall assess residential rates for such telephone service.

SECTION 4. NONCODIFICATION The provisions of Section 2 of this act shall not be codified in the Oklahoma Statutes.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 9th day of April, 1996.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1996.

President of the Senate