

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)
2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1002

By: Robinson of the Senate

and

Anthony of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Corporation Commission; amending 17 O.S. 1991, Sections 131, as amended by Section 1, Chapter 365, O.S.L. 1993, 132, and 200 (17 O.S. Supp. 1995, Section 131), which relate to certificates of convenience and necessity and to radio common carrier competition; requiring certain certificate for provision of certain services as defined by the Corporation Commission; requiring demonstration of certain abilities; eliminating certain notice requirement; permitting assessment of certain fee according to certain procedure; authorizing certain conferences; authorizing certain fees; providing for deposit of monies; exempting certain expenditures from the Oklahoma Central Purchasing Act; stating purpose of expenditures; deleting certain authority of Corporation Commission over radio common carriers; stating intent to amend certain sections of the Oklahoma Constitution; repealing Section 19, Chapter 315, O.S.L. 1994, and Section 1, Chapter 152, O.S.L. 1993 (17 O.S. Supp. 1995, Sections 137.2 and 140), which relate to location of fiber optic lines and cable and to regulation of certain cable television operators; providing for codification; providing for noncodification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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~~ No 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 shall provide telecommunications services, as defined by the rules of the Corporation Commission, to any end-user in this state 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~~ a Certificate of Convenience and Necessity. This section shall not be construed to require any ~~telephone company~~ incumbent exchange carrier 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~~ incumbent exchange carrier.

(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. Provided, in exercising its authority to implement alternative regulation pursuant to Section 3 of this act, the Commission may require the person or entity operating the existing facilities to provide access to such facilities to alternative 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~~

Prior to obtaining a Certificate of Convenience and Necessity, each provider of telecommunications services, as defined by the rules of the Commission, making application for such Certificate shall be required to demonstrate its financial, managerial, and technical ability to provide the requested telecommunications services in this state.

SECTION 2. AMENDATORY 17 O.S. 1991, Section 132, is amended to read as follows:

Section 132. The application for ~~any such certificate provided for in Section 1~~ a Certificate of Convenience and Necessity pursuant to Section 131 of this title shall be under such rules ~~and regulations~~ as the Corporation Commission may, from time to time, prescribe. Upon receipt of any such application for such certificate, the Commission shall cause notice thereof to be ~~given by mail or personal service to the chief executive officer of the municipality or municipalities affected, if any, and to any telephone company whose territory is affected, and shall publish such notice published~~ once a week for two (2) consecutive weeks in some newspaper of general circulation in each territory affected.

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:

The Corporation Commission may, after notice and hearing, assess a universal service fee upon all providers of telecommunications services, as defined by the rules of the Corporation Commission, and upon cellular and other radio carriers, to support state and federal universal service objectives.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.3 of Title 17, unless there is created a duplication in numbering, reads as follows:

The Corporation Commission is hereby authorized to sponsor and implement conferences to promote the dissemination of knowledge regarding the Commission's regulatory activities. The Commission is hereby authorized to charge registration and other fees necessary to cover the costs of these conferences and shall

deposit the fees, plus any other conference proceeds, including donated funds, into an agency special account to be created by the Special Agency Account Board. Expenditure of monies from this agency special account shall be exempt from the Oklahoma Central Purchasing Act and shall be for purposes incidental to the conferences sponsored by the Commission.

SECTION 5. AMENDATORY 17 O.S. 1991, Section 200, is amended to read as follows:

Section 200. It is the intent of the Legislature that ~~free~~ competition be allowed in all areas of radio common carrier communications. ~~The Corporation Commission, if the public need requires it, may, after notice to all interested parties, hold hearings to receive evidence for the purpose of determining whether, in a particular circumstance, the Corporation Commission should regulate the rates, services, practices and charges of any radio common carrier.~~

SECTION 6. REPEALER Section 19, Chapter 315, O.S.L. 1994, and Section 1, Chapter 152, O.S.L. 1993 (17 O.S. Supp. 1995, Sections 137.2 and 140), are hereby repealed.

SECTION 7. It is the intent of the Legislature that Sections 1, 2, 3, 4, 5, and 6 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 8. The provisions of Section 7 of this act shall not be codified in the Oklahoma Statutes.

SECTION 9. 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.