ENROLLED HOUSE
BILL NO. 2445

By: Voskuhl, Adair, Peltier and Staggs of the House

and

Easley of the Senate

An Act relating to the Corporation Commission; stating legislative findings; making legislative declarations; requiring submission of proposed permanent rules to the Oklahoma Legislature relating to extended area service and wide area calling plans for rural areas in this state; providing for adoption of certain criteria; creating the Rural Telephone Rule Advisory Council; providing for membership; providing for qualifications; providing for appointment; providing for terms, vacancies, removal and reimbursement; providing for appointment of chair and vice-chair and quorum; providing for meetings; specifying duties; providing for public comment and public forums; specifying certain contents of proposed recommendations; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. The Legislature finds that access to affordable telecommunication services for all citizens of this state, no matter where they are located, is a necessity. In many parts of the state, existing toll barriers between telephone exchanges create an arbitrary boundary which in many cases divides communities and school districts and poses a significant impediment to the public safety and economic development of the area.

Therefore, the Legislature declares it is in the best interest of the state to allow for the development of extended area telephone service and wide area calling plans when such development will benefit individuals and communities.

SECTION 2. 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:

By January 1, 1997, the Corporation Commission shall submit proposed permanent rules, adopted pursuant to the Administrative Procedures Act, to the Oklahoma Legislature for review pursuant to Section 309 of Title 75 of the Oklahoma Statutes, regarding extended area service and wide area calling plans for rural areas in this state. Specifically the proposed rules may include, in addition to the existing standards for reviewing and considering applications for extended area service or wide area calling plans, criteria developed by the Rural Telephone Rule Advisory Council established by Section 3 of this act. Any proposed permanent rules shall provide that the Commission shall adopt a rate design for extended area service and wide-area calling plans sufficient to compensate

the telephone exchange provider for additional cost and forgone revenues incurred as a result of the plan.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 137.4 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Rural Telephone Rule Advisory Council which shall consist of two ex officio members and ten members appointed by the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate as follows:

1. The ex officio members shall be:
   a. the Chairman of the Corporation Commission or designated representative, and
   b. the Director of the Public Utilities Division or designated representative; and

2. The appointed members of the Council shall be composed as follows:
   a. the Governor shall appoint:
      (1) two members representing the telephone industry in this state,
      (2) one member representing the rural northeastern area of the state, and
      (3) one member employed by a statewide organization representing cities and towns,
   b. the Speaker of the House of Representatives shall appoint:
      (1) one member representing a political subdivision of the state who shall be a member of the local governing body of a county, city or town in this state which has existing toll barriers within the city or town or within the county,
      (2) one member representing the rural southeastern area of the state, and
      (3) a member representing rural central Oklahoma, and
   c. the President Pro Tempore of the Senate shall appoint:
      (1) one member who shall be a county commissioner of a county with a population of less than twenty thousand (20,000),
      (2) one member representing the rural northwestern area of the state, and
      (3) one member representing the rural southwestern area of the state.

B. The appointments for each gubernatorial and legislative member shall be for terms of two (2) years. Members of the Council shall serve at the pleasure of and may be removed from office by the appointing authority.

C. The term for all appointed members shall begin July 1, 1996.

D. Any vacancy existing on the Council shall be filled by the appointing authority.

E. The members of the Council shall serve without pay but may be reimbursed for actual expenses pursuant to the State Travel Reimbursement Act.

F. The Council shall elect from among its membership a chair and vice-chair to serve a term of not more than one (1) year ending on July 1 of the subsequent year. The chair or vice-chair shall preside at all meetings. The chair and vice-chair shall perform such duties as may be decided by the Council in order to effectively administer the duties of the Council.

G. A majority of Council members at a meeting shall constitute a quorum to transact official business.

H. The Council shall meet within thirty (30) days after July 1, 1996, and shall meet thereafter at such times as the Council deems necessary to implement the provisions of this act.

I. The Council shall meet as required for the development, review and recommendation of rules. Special meetings may be called by the chair or vice-chair, or by the concurrence of any eight (8) members by delivery of written notice to each member of the Council.

J. 1. The Rural Telephone Rule Advisory Council shall have authority to recommend proposed permanent rules to the Corporation Commission pursuant to the provisions of this act.

2. Proposed permanent rules on extended area service and wide area calling plans for rural areas shall not be considered by the Commission for adoption until receipt of the Council's recommendation on such proposed permanent rules.

3. Before recommending any proposed permanent rules to the Commission, the Council shall give public notice and offer opportunity for public comment. The Council shall:

a. have the authority to make written recommendations to the Commission which have been concurred upon by at least a majority of the membership of the Council, and

b. have the authority to provide a public forum for the discussion of issues it considers relevant to its area of jurisdiction, and to:

(1) pass nonbinding resolutions expressing the sense of the Council, and

(2) make recommendations to the Commission concerning the need and the desirability of conducting additional meetings.

4. The Council shall cooperate with the public and the Commission in order to coordinate the rules to achieve maximum efficiency and effectiveness in furthering the objectives of the provisions of this act.

K. The proposed permanent rules to be developed by the Council for recommendation to the Commission shall include, but not be limited to, criteria relating to:

1. Community growth and development;

2. Economic development;

3. School district and other jurisdictional boundaries;

4. Public safety issues;

5. Traffic patterns;

6. Additional cost to subscribers;

7. Areas included in extended area service and wide area calling plans;

8. Determination of payors of additional costs for extended services;

9. Type of polling to be used for determining subscribers' desire for service and additional costs;

10. Percentage of subscribers included in poll necessary to provide service; and

11. Any other information and criteria deemed necessary by the Council.

SECTION 4. NONCODIFICATION The provisions of Section 1 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 23rd day of May, 1996.

Speaker of the House of Representatives

Passed the Senate the 29th day of May, 1996.

President of the Senate