

ENROLLED SENATE
BILL NO. 1002

By: Robinson of the Senate
and
Anthony of the House

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) No person, firm, association, corporation or cooperative 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 a Certificate of Convenience and Necessity. This section shall not be construed to require any 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 incumbent exchange carrier.

(b) 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 a Certificate of Convenience and Necessity pursuant to Section 131 of this title shall be under such rules 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 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 competition be allowed in all areas of radio common carrier communications.

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.