

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2049

By: Peltier

AS INTRODUCED

An Act relating to the Corporation Commission;

amending 17 O.S. 1991, Section 131, as amended by Section 1, Chapter 365, O.S.L. 1993 (17 O.S. Supp. 1995, Section 131), which relates to the requirement for a certificate of convenience and necessity before installation of telephone service; deleting requirement for certain findings by the Commission before granting a certificate; providing the Commission authority to grant a certificate under certain circumstances; 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)~~ 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. 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)~~ 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 except when the Commission finds it to be appropriate and under terms and conditions the Commission deems to be just, reasonable and in the public interest. In exercising its authority to implement alternative regulation pursuant to Section ~~3~~ 137.1 of this ~~act~~ title, 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)~~ 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 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.

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