

ENROLLED HOUSE  
BILL NO. 2046

By: Gilbert of the House

and

Robinson of the Senate

An Act relating to telecommunications; amending 17 O.S. 1991, Section 131, as last amended by Section 1, Chapter 331, O.S.L. 1996 (17 O.S. Supp. 1999, Section 131), which relates to certificates of convenience and necessity; requiring providers of local exchange telecommunications services to provide certain notice to certain regional councils; requiring certain confirmation and guarantee in the notice; requiring regional councils to forward the notice to certain chief executive officers; stating intent to amend certain sections of the Oklahoma Constitution; providing for noncodification; and providing an effective date.

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

SECTION 1. AMENDATORY 17 O.S. 1991, Section 131, as last amended by Section 1, Chapter 331, O.S.L. 1996 (17 O.S. Supp. 1999, 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. Before commencing to provide local exchange telecommunications services in any service area, a new provider shall give notice by mail or personal service to each regional council, as defined in the Local and Regional Capital Improvement Planning Process Act, in whose district any portion of the provider's intended service area lies. The notice shall confirm that the provider is a local exchange telephone

company as defined in the Nine-One-One Emergency Number Act, and shall attest that the provider shall make emergency telephone services available to its customers in accordance with the Nine-One-One Emergency Number Act. The regional council shall, within fifteen (15) days of receipt of the notice, forward the notice by mail to the chief executive officer of every governing body located in the regional council district that has responsibility for operation of an emergency telephone system serving any part of the provider's intended service area.

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

SECTION 4. This act shall become effective November 1, 2000.

Passed the House of Representatives the 15th day of May, 2000.

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Speaker of the House of  
Representatives

Passed the Senate the 16th day of May, 2000.

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President of the Senate