

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE JOINT
RESOLUTION HJR1053

By: Gray

AS INTRODUCED

A Joint Resolution relating to proposed rules of the Oklahoma Corporation Commission; disapproving portions of proposed amendments to permanent rules OAC 165:55-1-4 and OAC 165:55-5-50, and proposed permanent rules OAC 165:55-5-64 and OAC 165:55-5-76, regarding telecommunication services; providing for distribution; and declaring an emergency.

WHEREAS, pursuant to Section 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, on October 26, 1999, the Oklahoma Corporation Commission adopted proposed amendments to permanent rules, OAC 165:55-1-4 and OAC 165:55-5-50, and proposed permanent rules OAC 165:55-5-64 and OAC 165:55-5-76, regarding telecommunication services, relating to general provisions, definitions, relief from rate base/rate of return regulation, implementation of the Oklahoma Plan and enforcement of the Oklahoma Plan, and on October 26, 1999, the agency submitted the rules to the Legislature for review; and

WHEREAS, the Legislature recognizes that the proposed amendments to permanent rules and proposed permanent rules are not consistent with legislative intent.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2nd SESSION OF THE 47th OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves in part the proposed amendment to permanent rule OAC 165:55-1-4. The following

language of OAC 165:55-1-4 is disapproved: " 'Transitional commitments' means the commitments made by an ILEC in the State of Oklahoma pursuant to Part 9 or Part 11 of Subchapter 5 of this Chapter."

SECTION 2. The Legislature hereby disapproves in part the proposed amendment to permanent rule OAC 165:55-5-50. The following language of OAC 165:55-5-50 is disapproved: "The Commission shall either approve or reject the ILEC's application for approval of the Transition Plan to opt into the Oklahoma Plan. The proposed Transition Plan may be modified only with the consent of the ILEC. The Application for Approval of the Transition Plan may be heard by the Commission *en banc*."

SECTION 3. The Legislature hereby disapproves proposed permanent rules OAC 165:55-5-64 and OAC 165:55-5-76.

SECTION 4. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Commissioners of the Oklahoma Corporation Commission and the Editor of "The Oklahoma Register".

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 resolution shall take effect and be in full force from and after its passage and approval.

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