

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2873

By: Case

AS INTRODUCED

An Act relating to telecommunications; amending 17 O.S. 2001, Sections 139.107 and 139.109, which relate to Oklahoma Telecommunications Act of 1997; making the Oklahoma E911 Emergency Service Fund subject to certain administrative requirements; increasing the Oklahoma E911 Emergency Service Fund contribution amount; allowing the Corporation Commission to recover certain administrative costs from the Fund; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 17 O.S. 2001, Section 139.107, is amended to read as follows:

Section 139.107 A. The Oklahoma Lifeline Fund and the Oklahoma Universal Service Fund shall be funded in a competitively neutral manner by all telecommunications carriers. The funding from each carrier shall be based on the total retail-billed Oklahoma intrastate telecommunications revenues, from both regulated and unregulated services, of the telecommunications carrier as a percentage of all telecommunications carriers' total retail-billed intrastate telecommunications revenues, from both regulated and unregulated services.

B. The Corporation Commission shall establish the Oklahoma Lifeline Fund charges and the Oklahoma Universal Service Fund charges at a level sufficient to recover costs of administration. The Commission shall provide for administration of the two funds by Commission employees or by contracting for such services with a party having no conflicting interest in the provision of

telecommunications services. The administrative function shall be headed by an Administrator.

C. If the Commission determines after notice and hearing that a telecommunications carrier has acted in violation of this section, in addition to the other enforcement powers of the Commission, including its contempt powers and authority to revoke a provider's certificate of convenience and necessity, the Commission may bring an action on behalf of the Oklahoma Lifeline Fund or the Oklahoma Universal Service Fund, in the district court that the Commission deems appropriate, to recover any unpaid fees and charges the Commission has determined are due and payable, including interest, administrative and adjudicative costs, and attorney fees. Upon collection of the charges and costs, the Administrator shall pay the costs of the actions and deposit the remaining funds in the Oklahoma Lifeline Fund or the Oklahoma Universal Service Fund as appropriate.

D. The monies deposited in the Oklahoma Lifeline Fund, the Oklahoma Universal Service Fund, the Oklahoma E911 Emergency Service Fund, and the Oklahoma High Cost Fund shall at no time become monies of the state and shall not become part of the general budget of the Corporation Commission or any other state agency. Except as otherwise authorized by this act, no monies from the Oklahoma Lifeline Fund, the Oklahoma Universal Service Fund, the Oklahoma E911 Emergency Service Fund, or the Oklahoma High Cost Fund shall be transferred for any purpose to any other state agency or any account of the Corporation Commission or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense. Payments from the Oklahoma Lifeline Fund, the Oklahoma Universal Service Fund, the Oklahoma E911 Emergency Service Fund, and the Oklahoma High Cost Fund shall not become or be construed to be an obligation of this state. No claims for reimbursement from the Oklahoma Lifeline Fund, the Oklahoma

Universal Service Fund, the Oklahoma E911 Emergency Service Fund, or the Oklahoma High Cost Fund shall be paid with state monies.

SECTION 2. AMENDATORY 17 O.S. 2001, Section 139.109, is amended to read as follows:

Section 139.109 A. There is hereby created within the Oklahoma Corporation Commission the "Oklahoma E911 Emergency Service Fund". Beginning September 1, 1997, each local exchange telecommunications service provider shall annually contribute fifty cents (\$.50) per retail local exchange access line to the Oklahoma E911 Emergency Service Fund until the total amount contributed by all providers to the Fund equals ~~Five Million Dollars (\$5,000,000.00)~~ Ten Million Dollars (\$10,000,000.00). The contribution amount for each service provider shall be based upon the number of retail local exchange access lines of that service provider in service on July 1 of each applicable year. The Oklahoma E911 Emergency Service Fund shall be administered by the Oklahoma Corporation Commission and used to defray the cost of purchasing and installing equipment for enhanced 911 emergency systems across the state. The Commission may recover any direct cost of administering the Fund directly from the Fund. Preference for funding shall be given first to those systems established in areas of the state which do not have access to 911 emergency service before July 1, 1997, and second to areas of the state which do not have access to enhanced 911 emergency services. Funding from the E911 Emergency Service Fund shall not be used for ongoing operating costs of any emergency telephone service system. To qualify for funding, the emergency telephone service system shall have been or be in the process of being approved as provided for in the Nine-One-One Emergency Number Act. Local exchange telecommunications service providers serving fifteen percent (15%) or more of the access lines in the state may not apply for recovery of the contributions made to the E911 Emergency Service Fund from the Oklahoma Universal Service Fund created in Section 139.106 of

this title. All monies in the Oklahoma E911 Emergency Service Fund shall be expended only for the purposes set forth in this subsection.

B. There is hereby created within the Oklahoma Department of Career and Technology Education the "Oklahoma Telecommunications Technology Training Fund". Beginning September 1, 1997, each local exchange telecommunications service provider shall annually contribute seventy-five cents (\$.75) per retail local exchange access line to the Oklahoma Telecommunications Technology Training Fund until the total amount contributed by all providers to the Fund equals Seven Million Dollars (\$7,000,000.00). The contribution amount for each service provider shall be based upon the number of retail local exchange access lines of that service provider in service on July 1 of each applicable year. The Oklahoma Telecommunications Technology Training Fund shall be administered by the Oklahoma Department of Career and Technology Education working in conjunction with OneNet, and shall be used to provide statewide training of teachers and school administrators in the most effective use of telecommunications and distance learning technology for the enhancement of education throughout the state. Local exchange telecommunications service providers serving fifteen percent (15%) or more of the access lines in the state may not apply for recovery of the contributions made to the Oklahoma Telecommunications Technology Training Fund from the Oklahoma Universal Service Fund created in Section 139.106 of this title. All monies in the Oklahoma Telecommunications Technology Training Fund shall be expended only for the purposes set forth in this subsection.

C. The following services are hereby declared to be Special Universal Services and such services shall be provided only after funding for the Oklahoma Universal Service Fund is implemented as set forth in Section 139.101 et seq. of this title:

1. Each not-for-profit hospital in the state shall, upon written request, receive one incoming, toll-free phone number and up to a total of five access lines, free of charge, to allow incoming, toll-free calls from any location within the geographic area served by the hospital;

2. Each not-for-profit hospital in this state shall, upon written request, receive, free of charge, one telecommunications line or wireless connection sufficient for providing such telemedicine services as the hospital is equipped to provide. The telecommunications carrier shall be entitled to reimbursement from the Oklahoma Universal Service Fund for providing the line or connection. In no case, however, shall reimbursement from the fund be made for an Internet subscriber fee or charges incurred as a result of services accessed via the Internet;

3. Each public school building wherein classrooms are contained and each public library in the state shall, upon written request, receive one incoming, toll-free phone number and up to a total of five access lines, free of charge, to allow incoming, toll-free calls from any location within the geographic area served by the school or the public library;

4. Each public school building wherein classrooms are contained and each public library in the state shall, upon written request, receive one access line, free of charge, with the ability to connect to an Internet service provider at 56 kbps, in the most economically efficient manner for the carrier, or an equivalent dollar credit to be applied by the public school or public library toward similar services provided by the same carrier, for the purpose of accessing the Internet. In no case shall the Oklahoma Universal Service Fund reimburse an entity for an Internet subscriber fee or charges incurred as a result of services accessed via the Internet; and

5. Each county seat in the state shall, upon written request of the board of county commissioners, receive one incoming, toll-free

phone number and up to a total of five access lines, free of charge, to allow incoming, toll-free calls from any location within the geographic area served by the county seat.

D. To the extent Special Universal Services are purchased from a telecommunications service provider by another carrier, the Special Universal Services are for the exclusive use of the not-for-profit hospital, public school, public library or county government. Under no circumstances shall the not-for-profit hospital, public school, public library or county government sell, repackage or share Special Universal Services with any other entity.

SECTION 3. This act shall become effective July 1, 2002.

SECTION 4. 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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