

ENGROSSED HOUSE  
BILL NO. 1386

By: Smaligo, Adkins, Dorman and  
Lamons of the House

and

Lerblance of the Senate

An Act relating to public utility corporations;  
authorizing an electric public utility corporation to  
continue offering electric service in areas  
incorporated into cities or towns without a  
franchise; requiring payment of certain fee;  
providing for codification; and declaring an  
emergency.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 158.33 of Title 17, unless there  
is created a duplication in numbering, reads as follows:

Any corporation, acting as an electric public utility company  
regulated by the Corporation Commission of the State of Oklahoma, or  
successor entity, that holds more than one voter granted franchise,  
which has the power to construct, maintain, and operate electric  
transmission and distribution lines along, upon, under, and across  
all public thoroughfares, including without limitation, all roads,  
highways, streets, alleys and bridges, and upon, under and across  
all publicly owned lands, subject, however, to the requirements in  
respect of the use of such thoroughfares and lands that are imposed  
by the respective authorities having jurisdiction of the  
corporations constructing or operating the electric transmission and  
distribution lines or systems, shall be entitled to construct,  
maintain, and operate electric transmission and distribution lines  
and related facilities along, upon, under, and across all existing  
and future public thoroughfares, and to continue and extend the

furnishing of electric energy or the construction and operation of electric facilities in an area that has been or shall be included, as a result of incorporation, annexation, population growth or otherwise, within the boundaries of a city or town if the corporation was furnishing electric energy or was constructing or operating electric facilities in the area prior to such inclusion without obtaining the consent, franchise, license, permit, or other authority of the city or town. Any corporation acting pursuant to this section shall pay to the city or town a fee based on the same percentage that the corporation pays on retail sales of electric energy in the closest city or town where the corporation holds a valid franchise.

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.

Passed the House of Representatives the 2nd day of March, 2005.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2005.

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Presiding Officer of the Senate