

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1428

By: Gumm

AS INTRODUCED

An Act relating to the Corporation Commission, amending 17 O.S. 2001, Section 131, which relates to telephone companies, certificate of convenience, notice by new providers, availability of emergency telephone services, and fines; modifying maximum fine provision; and providing an effective date.

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

SECTION 1. AMENDATORY 17 O.S. 2001, 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 new provider shall also forward a copy of the notice to the Corporation Commission. 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.

C. Any corporation, firm, or person who fails to provide notice as required pursuant to the provisions of subsection B of this section may be fined by the Commission a sum of ~~up to~~ no more than Five Hundred Dollars (\$500.00) as the Commission may deem proper after notice and opportunity for hearing. Each day's continuance of such violation, after due service upon such corporation, firm, or person, of the requirement shall be a separate offense.

SECTION 2. This act shall become effective November 1, 2006.

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