

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1661

By: Nichols

4
5
6 AS INTRODUCED

7 An Act relating to the Corporation Commission;
8 amending 17 O.S. 2001, Sections 139.101 and 139.102,
9 as amended by Sections 1 and 2, Chapter 80, O.S.L.
10 2002 (17 O.S. Supp. 2009, Sections 139.101 and
11 139.102), which relate to the Oklahoma
12 Telecommunications Act of 1997; modifying name of
13 act; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 17 O.S. 2001, Section 139.101, as
16 amended by Section 1, Chapter 80, O.S.L. 2002 (17 O.S. Supp. 2009,
17 Section 139.101), is amended to read as follows:

18 Section 139.101 Sections 139.101 through ~~139.109~~ and ~~Section 3~~
19 ~~of this act~~ 139.110 of this title shall be known and may be cited as
20 the "Oklahoma Telecommunications and Universal Services Fund Act ~~of~~
21 ~~1997~~".

22 SECTION 2. AMENDATORY 17 O.S. 2001, Section 139.102, as
23 amended by Section 2, Chapter 80, O.S.L. 2002 (17 O.S. Supp. 2009,
24 Section 139.102), is amended to read as follows:

1 Section 139.102 As used in the Oklahoma Telecommunications and
2 Universal Services Fund Act of 1997:

3 1. "Access line" means the facility provided and maintained by
4 a telecommunications service provider which permits access to or
5 from the public switched network;

6 2. "Commission" means the Corporation Commission of this state;

7 3. "Competitive local exchange carrier" or "CLEC" means, with
8 respect to an area or exchange, a telecommunications service
9 provider that is certificated by the Commission to provide local
10 exchange services in that area or exchange within the state after
11 July 1, 1995;

12 4. "Competitively neutral" means not advantaging or favoring
13 one person over another;

14 5. "End User Common Line Charge" means the flat-rate monthly
15 interstate access charge required by the Federal Communications
16 Commission that contributes to the cost of local service;

17 6. "Enhanced service" means a service that is delivered over
18 communications transmission facilities and that uses computer
19 processing applications to:

20 a. change the content, format, code, or protocol of
21 transmitted information,

22 b. provide the customer new or restructured information,

23 or
24

1 c. involve end-user interaction with information stored
2 in a computer;

3 7. "Exchange" means a geographic area established by an
4 incumbent local exchange telecommunications provider as filed with
5 or approved by the Commission for the administration of local
6 telecommunications service in a specified area which usually
7 embraces a city, town, or village and its environs and which may
8 consist of one or more central offices together with associated
9 plant used in furnishing telecommunications service in that area;

10 8. "Facilities" means all the plant and equipment of a
11 telecommunications service provider, including all tangible and
12 intangible real and personal property without limitation, and any
13 and all means and instrumentalities in any manner owned, operated,
14 leased, licensed, used, controlled, furnished, or supplied for, by,
15 or in connection with the regulated business of any
16 telecommunications service provider;

17 9. "High speed Internet access service" or "broadband service"
18 means, as used in Section 3 of this act, those services and
19 underlying facilities that provide upstream, from customer to
20 provider, or downstream, from provider to customer, transmission to
21 or from the Internet in excess of one hundred fifty (150) kilobits
22 per second, regardless of the technology or medium used including,
23 but not limited to, wireless, copper wire, fiber optic cable, or
24 coaxial cable, to provide such service;

1 10. "Incumbent local exchange telecommunications service
2 provider" or "ILEC" means, with respect to an area or exchanges, any
3 telecommunications service provider furnishing local exchange
4 service in such area or exchanges within this state on July 1, 1995,
5 pursuant to a certificate of convenience and necessity or
6 grandfathered authority;

7 11. "Interexchange telecommunications carrier" or "IXC" means
8 any person, firm, partnership, corporation or other entity, except
9 an incumbent local exchange telecommunications service provider,
10 engaged in furnishing regulated interexchange telecommunications
11 services under the jurisdiction of the Commission;

12 12. "Internet" means the international research-oriented
13 network comprised of business, government, academic and other
14 networks;

15 13. "Local exchange telecommunications service" means a
16 regulated switched or dedicated telecommunications service which
17 originates and terminates within an exchange or an exchange service
18 territory. Local exchange telecommunications service may be
19 terminated by a telecommunications service provider other than the
20 telecommunications service provider on whose network the call
21 originated. The local exchange service territory defined in the
22 originating provider's tariff shall determine whether the call is
23 local exchange service;

1 14. "Local exchange telecommunications service provider" means
2 a company holding a certificate of convenience and necessity from
3 the Commission to provide local exchange telecommunications service;

4 15. "Not-for-profit hospital" means:

5 a. a hospital established as exempt from taxation
6 pursuant to the provisions of the Internal Revenue
7 Code, 26 U.S.C., Section 501(c)(3), or

8 b. a not-for-profit hospital owned by a municipality,
9 county, or the state,

10 that is primarily funded by county, state, or federal support,
11 located in this state, and devoted primarily to the maintenance and
12 operation of facilities for the diagnosis, treatment, or care of
13 patients admitted overnight or longer in order to obtain medical
14 care, surgical care, or obstetrical care;

15 16. "Oklahoma High Cost Fund" means the fund established by the
16 Commission in Cause Nos. PUD 950000117 and 950000119;

17 17. "Oklahoma Lifeline Fund" means the fund established and
18 required to be implemented by the Commission pursuant to Section
19 139.105 of this title;

20 18. "Oklahoma Universal Service Fund" means the fund
21 established and required to be implemented by the Commission
22 pursuant to Section 139.106 of this title;

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1 19. "Person" means any individual, partnership, association,
2 corporation, governmental entity, public or private organization of
3 any character, or any other entity;

4 20. "Primary universal service" means an access line and dial
5 tone provided to the premises of residential or business customers
6 which provides access to other lines for the transmission of two-way
7 switched or dedicated communication in the local calling area
8 without additional, usage-sensitive charges, including:

- 9 a. a primary directory listing,
- 10 b. dual-tone multifrequency signaling,
- 11 c. access to operator services,
- 12 d. access to directory assistance services,
- 13 e. access to telecommunications relay services for the
14 deaf or hard-of-hearing,
- 15 f. access to nine-one-one service where provided by a
16 local governmental authority or multijurisdictional
17 authority, and
- 18 g. access to interexchange long distance services;

19 21. "Public library" means a library or library system that is
20 freely open to all persons under identical conditions and which is
21 supported in whole or in part by public funds. Public library shall
22 not include libraries operated as part of any university, college,
23 school museum, the Oklahoma Historical Society or county law
24 libraries;

1 22. "Public school" means all free schools supported by public
2 taxation, and shall include grades kindergarten through twelve;

3 23. "Regulated telecommunications service" means the offering
4 of telecommunications for a fee directly to the public where the
5 rates for such service are regulated by the Commission. Regulated
6 telecommunications service does not include the provision of
7 nontelecommunications services, including, but not limited to, the
8 printing, distribution, or sale of advertising in telephone
9 directories, maintenance of inside wire, customer premises
10 equipment, and billing and collection service, nor does it include
11 the provision of wireless telephone service, enhanced service, and
12 other unregulated services, including services not under the
13 jurisdiction of the Commission, and services determined by the
14 Commission to be competitive;

15 24. "Special Universal Services" means the telecommunications
16 services supported by the OUSF which are furnished to public
17 schools, public libraries, not-for-profit hospitals and county seats
18 as provided for in Section 139.109 of this title;

19 25. "Tariff" means all or any part of the body of rates, tolls,
20 charges, classifications, and terms and conditions of service
21 relating to regulated services offered, the conditions under which
22 offered, and the charges therefor, which have been filed with the
23 Commission and have become effective;

24

1 26. "Telecommunications" means the transmission, between or
2 among points specified by the user, of voice or data information of
3 the user's choosing, without change in the form or content of the
4 information as sent and received;

5 27. "Telecommunications carrier" means a person that provides
6 telecommunications service in this state;

7 28. "Telecommunications service" means the offering of
8 telecommunications for a fee;

9 29. "Universal service area" has the same meaning as the term
10 "service area" as defined in 47 U.S.C., Section 214(e)(5); and

11 30. "Wire center" means a geographic area normally served by a
12 central office.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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