STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1357 By: Peters

COMMITTEE SUBSTITUTE

An Act relating to telecommunications; allowing certain exchange companies to comply with certain specified requirements in lieu of certain Administrative Code requirements; listing requirements; exempting certain incumbent local exchange companies for certain obligations and requirements to extend facilities; designating incumbent local exchange companies as an eligible telecommunications carrier; establishing designation date; requiring an eligible telecommunications service provider to take certain actions for certain eligibility purposes; authorizing the Corporation Commission to require a certain amount to be deposited in billing complaints; 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 139.111 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. Local exchange companies and interexchange companies may, in lieu of the requirements of Rules 165:55-3-20, 165:55-3-22(e),

165:55-3-23, 165:55-5-1, 165:55-5-3, 165:55-5-10.2, 165:55-5-10.3, 165:55-5-11, 165:55-5-12, 165:55-5-30, 165:55-5-32, 165:55-9-1, 165:55-9-2, 165:55-9-3, 165:55-9-8, 165:55-9-14(e)(1), 165:55-9-14(e)(2), 165:55-9-14(e)(3), 165:55-11-4(a), 165:55-11-7(a)(1), 165:55-11-7(b), 165:55-11-13(b), 165:55-11-13(c), 165:55-11-14, 165:55-13-1, 165:55-13-2(a), 165:55-13-10, 165:55-13-20, 165:55-13-22(b), 165:55-13-23, 165:55-13-24, 165:55-13-26, 165:55-13-30, 165:55-13-31, 165:55-13-50, 165:55-13-51, 165:55-13-53, 165:55-15-1, 165:55-15-3, and 165:55-17-29 of the Oklahoma Administrative Code:

1. Maintain a copy of the records required by the Corporation Commission on the publicly available website of the company;

2. Provide a copy of contracts entered into between carriers for regulated services to the Corporation Commission upon request by the Commission, except for contracts required pursuant to Rules 165:55-17-1 through 165:55-17-35 of the Oklahoma Administrative Code;

3. Maintain its rates and terms and conditions of service on a publicly available website. The rates and terms and conditions of service shall be deemed approved the day following the day the website is revised. Upon request by an end-user of the company, the company shall provide the end-user a free copy of its rates and terms and conditions of service posted on the website of the company. The rates and terms and conditions of service established

by other state utility commissions that impact Oklahoma customers may also be posted on the publicly available website of the company;

4. Provide end-users notice prior to or concurrent with any rate increase;

5. Eliminate the classification of exchanges into rate groups;

6. Maintain company-specific service standards and service objectives, including but not limited to restoration timeframes, emergency restoration plans, equipment adequacies, order fulfillment timeframes, and transmission objectives. All company-specific service standards and objectives shall be stated on the publicly available website of the company;

7. Make promotional offerings without limitation on the duration of the offering or benefit period; provided however, promotional offerings are not intended to be a substitution for posting rates and terms and conditions of service on the publicly available website of the company;

8. Enter into customer-specific contracts and provide a copy of the contract to the Corporation Commission upon request. All customer-specific contracts shall be deemed effective upon the terms of the contract;

9. Enter into written agreements for regulated services with any business customer regardless of the number of access lines;

10. Charge a return check charge consistent with the return check charge found on the publicly available website of the company;

11. Comply with the Federal Truth-in-Billing rules found at Section 64.2401 of Title 47 of the Code of Federal Regulations;

12. Impose a due date and late payment charge consistent with the due date and late payment fee found on the publicly available website of the company;

13. Enter into a written agreement with terms and conditions mutually agreeable to both parties;

14. Establish a single interest rate for all deposits;

15. Correspond with end-users in a form mutually agreed to by both parties;

16. Provide the Corporation Commission with a list of trouble reports upon request; and

17. Transfer assets to an affiliate entity, including but not limited to equipment, certificates of authority and customers, by giving thirty (30) days' written notice to the Corporation Commission and to affected customers. The transfer shall become effective without a Commission order.

B. As of the effective date of this act, incumbent local exchange companies with more than seventy-five thousand access lines shall no longer be subject to "Carrier of Last Resort" obligations and shall not be required to extend facilities free of charge as required by Rules 165:55-13-12(a) and 165:55-13-12(b) of the Oklahoma Administrative Code.

C. Each incumbent local exchange company is hereby designated as an eligible telecommunications carrier for the territory for which it was certified on the date of the adoption of the Federal Telecommunications Act of 1996. For the purpose of eligibility to receive federal universal service support under Section 214(e) of Title 47 of the United States Code, an eligible telecommunications service provider shall, throughout its service territory:

1. Offer the telecommunications services that are supported by federal universal service support mechanisms under Section 254(c) of Title 47 of the United States Code, either using its own facilities or a combination of its own facilities and resale of the services of another telecommunications service provider, including the services offered by another eligible telecommunications service provider; and

2. Advertise the availability of the telecommunications services and the charges for the services using media of general distribution.

D. The Corporation Commission may, concurrent with Rule 165:55-22-9(a) of the Oklahoma Administrative Code, require that in any billing complaint brought before the Commission, if the amount complained of exceeds Ten Thousand Dollars ($10,000.00) and any portion of which is more than ninety (90) days past due, that one hundred percent (100%) of the disputed amount be deposited into an escrow account and remain there until a final order is issued.

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.

53-2-9632 CJB 02/21/12