

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1357

By: Peters

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8 COMMITTEE SUBSTITUTE

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10 An Act relating to telecommunications; allowing
11 certain exchange companies to comply with certain
12 specified requirements in lieu of certain
13 Administrative Code requirements; listing
14 requirements; exempting certain incumbent local
15 exchange companies for certain obligations and
16 requirements to extend facilities; designating
17 incumbent local exchange companies as an eligible
18 telecommunications carrier; establishing designation
19 date; requiring an eligible telecommunications
20 service provider to take certain actions for certain
21 eligibility purposes; authorizing the Corporation
22 Commission to require a certain amount to be
23 deposited in billing complaints; providing for
24 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:

1 A. Local exchange companies and interexchange companies may, in
2 lieu of the requirements of Rules 165:55-3-20, 165:55-3-22(e),
3 165:55-3-23, 165:55-5-1, 165:55-5-3, 165:55-5-10.2, 165:55-5-10.3,
4 165:55-5-11, 165:55-5-12, 165:55-5-30, 165:55-5-32, 165:55-9-1,
5 165:55-9-2, 165:55-9-3, 165:55-9-8, 165:55-9-14(e)(1), 165:55-9-
6 14(e)(2), 165:55-9-14(e)(3), 165:55-11-4(a), 165:55-11-7(a)(1),
7 165:55-11-7(b), 165:55-11-13(b), 165:55-11-13(c), 165:55-11-14,
8 165:55-13-1, 165:55-13-2(a), 165:55-13-10, 165:55-13-20, 165:55-13-
9 22(b), 165:55-13-23, 165:55-13-24, 165:55-13-26, 165:55-13-30,
10 165:55-13-31, 165:55-13-50, 165:55-13-51, 165:55-13-53, 165:55-15-1,
11 165:55-15-3, and 165:55-17-29 of the Oklahoma Administrative Code:

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

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

19 3. Maintain its rates and terms and conditions of service on a
20 publicly available website. The rates and terms and conditions of
21 service shall be deemed approved the day following the day the
22 website is revised. Upon request by an end-user of the company, the
23 company shall provide the end-user a free copy of its rates and
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1 terms and conditions of service posted on the website of the
2 company. The rates and terms and conditions of service established
3 by other state utility commissions that impact Oklahoma customers
4 may also be posted on the publicly available website of the company;

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

7 5. Eliminate the classification of exchanges into rate groups;

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

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

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

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

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

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

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

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

12 14. Establish a single interest rate for all deposits;

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

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

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

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

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

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

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

21 D. The Corporation Commission may, concurrent with Rule 165:55-
22 22-9(a) of the Oklahoma Administrative Code, require that in any
23 billing complaint brought before the Commission, if the amount

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1 complained of exceeds Ten Thousand Dollars (\$10,000.00) and any
2 portion of which is more than ninety (90) days past due, that one
3 hundred percent (100%) of the disputed amount be deposited into an
4 escrow account and remain there until a final order is issued.

5 SECTION 2. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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11 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND UTILITY REGULATION,
12 dated 02/22/2012 - DO PASS, As Amended and Coauthored.

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