

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2
3 STATE OF OKLAHOMA

4 1st Session of the 53rd Legislature (2011)

5 HOUSE BILL 1460

By: Denney of the House

6 and

7 Halligan of the Senate

8
9
10 AS INTRODUCED

11 An Act relating to telecommunications; amending 17
12 O.S. 2001, Section 139.109, as amended by Section 1,
13 Chapter 409, O.S.L. 2004 (17 O.S. Supp. 2010, Section
14 139.109), which relates to Special Universal
15 Services; changing certain Internet service data
16 transfer rate restriction; and declaring an
17 emergency.

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

19 SECTION 1. AMENDATORY 17 O.S. 2001, Section 139.109, as
20 amended by Section 1, Chapter 409, O.S.L. 2004 (17 O.S. Supp. 2010,
21 Section 139.109), is amended to read as follows:

22 Section 139.109 A. There is hereby created within the Oklahoma
23 Corporation Commission the "Oklahoma E911 Emergency Service Fund".
24 Beginning September 1, 1997, each local exchange telecommunications

1 service provider shall annually contribute fifty cents (\$0.50) per
2 retail local exchange access line to the Oklahoma E911 Emergency
3 Service Fund until the total amount contributed by all providers to
4 the Fund equals Five Million Dollars (\$5,000,000.00). The
5 contribution amount for each service provider shall be based upon
6 the number of retail local exchange access lines of that service
7 provider in service on July 1 of each applicable year. The Oklahoma
8 E911 Emergency Service Fund shall be administered by the Oklahoma
9 Corporation Commission and used to defray the cost of purchasing and
10 installing equipment for enhanced 911 emergency systems across the
11 state. Preference for funding shall be given first to those systems
12 established in areas of the state which do not have access to 911
13 emergency service before July 1, 1997, and second to areas of the
14 state which do not have access to enhanced 911 emergency services.
15 Funding from the E911 Emergency Service Fund shall not be used for
16 ongoing operating costs of any emergency telephone service system.
17 To qualify for funding, the emergency telephone service system shall
18 have been or be in the process of being approved as provided for in
19 the Nine-One-One Emergency Number Act. Local exchange
20 telecommunications service providers serving fifteen percent (15%)
21 or more of the access lines in the state may not apply for recovery
22 of the contributions made to the E911 Emergency Service Fund from
23 the Oklahoma Universal Service Fund created in Section 139.106 of

24

1 this title. All monies in the Oklahoma E911 Emergency Service Fund
2 shall be expended only for the purposes set forth in this
3 subsection.

4 B. There is hereby created within the Oklahoma Department of
5 Career and Technology Education the "Oklahoma Telecommunications
6 Technology Training Fund". Beginning September 1, 1997, each local
7 exchange telecommunications service provider shall annually
8 contribute seventy-five cents (\$0.75) per retail local exchange
9 access line to the Oklahoma Telecommunications Technology Training
10 Fund until the total amount contributed by all providers to the Fund
11 equals Seven Million Dollars (\$7,000,000.00). The contribution
12 amount for each service provider shall be based upon the number of
13 retail local exchange access lines of that service provider in
14 service on July 1 of each applicable year. The Oklahoma
15 Telecommunications Technology Training Fund shall be administered by
16 the Oklahoma Department of Career and Technology Education working
17 in conjunction with OneNet, and shall be used to provide statewide
18 training of teachers and school administrators in the most effective
19 use of telecommunications and distance learning technology for the
20 enhancement of education throughout the state. Local exchange
21 telecommunications service providers serving fifteen percent (15%)
22 or more of the access lines in the state may not apply for recovery
23 of the contributions made to the Oklahoma Telecommunications

1 Technology Training Fund from the Oklahoma Universal Service Fund
2 created in Section 139.106 of this title. All monies in the
3 Oklahoma Telecommunications Technology Training Fund shall be
4 expended only for the purposes set forth in this subsection.

5 C. The following services are hereby declared to be Special
6 Universal Services and such services shall be provided only after
7 funding for the Oklahoma Universal Service Fund is implemented as
8 set forth in Section 139.101 et seq. of this title:

9 1. Each not-for-profit hospital in the state shall, upon
10 written request, receive one incoming, toll-free phone number and up
11 to a total of five access lines, free of charge, to allow incoming,
12 toll-free calls from any location within the geographic area served
13 by the hospital;

14 2. Each not-for-profit hospital, county health department,
15 city-county health department, and federally qualified health center
16 in this state shall, upon written request, receive, free of charge,
17 one telecommunications line or wireless connection sufficient for
18 providing such telemedicine, clinical and health consultation
19 services as the entity is equipped to provide. The
20 telecommunications carrier shall be entitled to reimbursement from
21 the Oklahoma Universal Service Fund for providing the line or
22 connection. In no case, however, shall reimbursement from the fund
23
24

1 be made for an Internet subscriber fee or charges incurred as a
2 result of services accessed via the Internet;

3 3. Each public school building wherein classrooms are contained
4 and each public library in the state shall, upon written request,
5 receive one incoming, toll-free phone number and up to a total of
6 five access lines, free of charge, to allow incoming, toll-free
7 calls from any location within the geographic area served by the
8 school or the public library;

9 4. Each public school building wherein classrooms are contained
10 and each public library in the state shall, upon written request,
11 receive one access line, free of charge, with the ability to connect
12 to an Internet service provider at ~~56 kbps~~ 1.5Mbps, in the most
13 economically efficient manner for the carrier, or an equivalent
14 dollar credit to be applied by the public school or public library
15 toward similar services provided by the same carrier, for the
16 purpose of accessing the Internet. In no case shall the Oklahoma
17 Universal Service Fund reimburse an entity for an Internet
18 subscriber fee or charges incurred as a result of services accessed
19 via the Internet; and

20 5. Each county seat in the state shall, upon written request of
21 the board of county commissioners, receive one incoming, toll-free
22 phone number and up to a total of five access lines, free of charge,
23
24

1 to allow incoming, toll-free calls from any location within the
2 geographic area served by the county seat.

3 D. To the extent Special Universal Services are purchased from
4 a telecommunications service provider by another carrier, the
5 Special Universal Services are for the exclusive use of the not-for-
6 profit hospital, county health department, city-county health
7 department, federally qualified health center, public school, public
8 library or county government. Under no circumstances shall the not-
9 for-profit hospital, county health department, city-county health
10 department, federally qualified health center, public school, public
11 library or county government sell, repackage or share Special
12 Universal Services with any other entity.

13 SECTION 2. 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.

17
18 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND UTILITY REGULATION,
19 dated 02-23-2011 - DO PASS, As Coauthored.
20
21
22
23
24