SENATE FLOOR VERSION
February 27, 2012

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1340 By: Branan of the Senate

and

Jackson of the House

[telecommunications - providing alternative requirements - codification - effective date]

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 (LEC) and interexchange companies may, in lieu of the requirements of Oklahoma Administrative Code 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)(2)(3), 165:55-11-4(a), 165:55-11-7(a)(1) and (b), 165:55-11-13(b)(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:

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

2. Provide a copy of contracts entered into between carriers for regulated services to the Commission upon request by the Commission, except for contracts required pursuant to OAC 165:55-17;

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 a company's end-user, the company shall provide the end-user a free copy of its rates and terms and conditions of service posted on the company's website. The rates and terms and conditions of services established by other state utility commissions that impact Oklahoma customers may also be posted on the company's publicly available website;

4. Provide end-user 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 company's publicly available website;

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

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

9. Enter into a written agreement 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 on the company's publicly available website;

11. Comply with the Federal Truth-in-Billing rules found at 47 CFR 64.2401;

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

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 its end-users in a form mutually agreed to by both parties;

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

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 Commission and to affected customers. Such transfer will become effective without a Commission order.

B. Incumbent local exchange companies with more than seventy-five thousand (75,000) access lines are no longer subject to "Carrier of Last Resort" obligations and shall not be required to extend facilities free of charge as required by OAC 165:55-13-12(a)(b).

C. Each incumbent LEC is 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 47 U.S.C. § 214(e) 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 47 U.S.C. § 254(c), either using its own facilities or a combination of its own facilities and resale of another telecommunications service

provider's services, including the services offered by another eligible telecommunications service provider; and

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

D. The Commission may, concurrent with OAC 165:55-22-9(a), require that in any billing complaint brought before the Commission, if the amount complained of exceeds Ten Thousand Dollars ($10,000.00) 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. This act shall become effective November 1, 2012.

COMMITTEE REPORT BY: COMMITTEE ON ENERGY, dated 2-23-12 - DO PASS, As Amended and Coauthored.