

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2738

By: Peters

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5  
6 AS INTRODUCED

7 An Act relating to the Corporation Commission;  
8 amending 17 O.S. 2011, Section 139.109, which relates  
9 to the Oklahoma E911 Emergency Service Fund;  
10 modifying services that are considered Special  
11 Universal Service; authorizing Corporation Commission  
12 to investigate and modify or reject certain request  
13 under certain circumstances; and providing an  
14 effective date.

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

16 SECTION 1. AMENDATORY 17 O.S. 2011, Section 139.109, is  
17 amended to read as follows:

18 Section 139.109 A. There is hereby created within the ~~Oklahoma~~  
19 Corporation Commission the "Oklahoma E911 Emergency Service Fund".  
20 Beginning September 1, 1997, each local exchange telecommunications  
21 service provider shall annually contribute fifty cents (\$0.50) per  
22 retail local exchange access line to the Oklahoma E911 Emergency  
23 Service Fund until the total amount contributed by all providers to  
24 the Fund equals Five Million Dollars (\$5,000,000.00). The  
contribution amount for each service provider shall be based upon

1 the number of retail local exchange access lines of that service  
2 provider in service on July 1 of each applicable year. The Oklahoma  
3 E911 Emergency Service Fund shall be administered by the ~~Oklahoma~~  
4 Corporation Commission and used to defray the cost of purchasing and  
5 installing equipment for enhanced 911 emergency systems across the  
6 state. Preference for funding shall be given first to those systems  
7 established in areas of the state which do not have access to 911  
8 emergency service before July 1, 1997, and second to areas of the  
9 state which do not have access to enhanced 911 emergency services.  
10 Funding from the E911 Emergency Service Fund shall not be used for  
11 ongoing operating costs of any emergency telephone service system.  
12 To qualify for funding, the emergency telephone service system shall  
13 have been or be in the process of being approved as provided for in  
14 the Nine-One-One Emergency Number Act. Local exchange  
15 telecommunications service providers serving fifteen percent (15%)  
16 or more of the access lines in the state may not apply for recovery  
17 of the contributions made to the E911 Emergency Service Fund from  
18 the Oklahoma Universal Service Fund created in Section 139.106 of  
19 this title. All monies in the Oklahoma E911 Emergency Service Fund  
20 shall be expended only for the purposes set forth in this  
21 subsection.

22 B. There is hereby created within the Oklahoma Department of  
23 Career and Technology Education the "Oklahoma Telecommunications  
24 Technology Training Fund". Beginning September 1, 1997, each local

1 exchange telecommunications service provider shall annually  
2 contribute seventy-five cents (\$0.75) per retail local exchange  
3 access line to the Oklahoma Telecommunications Technology Training  
4 Fund until the total amount contributed by all providers to the Fund  
5 equals Seven Million Dollars (\$7,000,000.00). The contribution  
6 amount for each service provider shall be based upon the number of  
7 retail local exchange access lines of that service provider in  
8 service on July 1 of each applicable year. The Oklahoma  
9 Telecommunications Technology Training Fund shall be administered by  
10 the Oklahoma Department of Career and Technology Education working  
11 in conjunction with OneNet, and shall be used to provide statewide  
12 training of teachers and school administrators in the most effective  
13 use of telecommunications and distance learning technology for the  
14 enhancement of education throughout the state. Local exchange  
15 telecommunications service providers serving fifteen percent (15%)  
16 or more of the access lines in the state may not apply for recovery  
17 of the contributions made to the Oklahoma Telecommunications  
18 Technology Training Fund from the Oklahoma Universal Service Fund  
19 created in Section 139.106 of this title. All monies in the  
20 Oklahoma Telecommunications Technology Training Fund shall be  
21 expended only for the purposes set forth in this subsection.

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

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

8 2. Each not-for-profit hospital, county health department,  
9 city-county health department, and federally qualified health center  
10 in this state shall, upon written request, receive, free of charge,  
11 one telecommunications line or wireless connection sufficient for  
12 providing such telemedicine, clinical and health consultation  
13 services as the ~~entity is equipped to provide~~ entity's telemedicine  
14 equipment and service applications require. The telecommunications  
15 carrier shall be entitled to reimbursement from the Oklahoma  
16 Universal Service Fund for providing the line or connection. In no  
17 case, however, shall reimbursement from the fund be made for an  
18 Internet subscriber fee or charges incurred as a result of services  
19 accessed via the Internet;

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

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

13 5. Each county seat in the state shall, upon written request of  
14 the board of county commissioners, receive one incoming, toll-free  
15 phone number and up to a total of five access lines, free of charge,  
16 to allow incoming, toll-free calls from any location within the  
17 geographic area served by the county seat.

18 D. To the extent Special Universal Services are purchased from  
19 a telecommunications service provider by another carrier, the  
20 Special Universal Services are for the exclusive use of the not-for-  
21 profit hospital, county health department, city-county health  
22 department, federally qualified health center, public school, public  
23 library or county government. Under no circumstances shall the not-  
24 for-profit hospital, county health department, city-county health

1 department, federally qualified health center, public school, public  
2 library or county government sell, repackage or share Special  
3 Universal Services with any other entity.

4 E. The Corporation Commission shall have authority to  
5 investigate and modify or reject in whole or part a Special  
6 Universal Services request under subsection C of this section if the  
7 request does not meet the criteria in that subsection, if the  
8 Corporation Commission's investigation determines that the entity is  
9 unable to provide justification supporting the need of the services  
10 requested special universal, or if the Corporation Commission  
11 determines that the request is not in the public interest.

12 SECTION 2. This act shall become effective November 1, 2012.

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