

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2977

By: Schwartz of the House

and

Brinkley of the Senate

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6  
7 An Act relating to telecommunications; amending 17  
8 O.S. 2011, Section 139.102, which relates to the  
9 Oklahoma Telecommunications Act of 1997; adding a  
10 definition; modifying certain definition; and  
11 providing an effective date.

12 AUTHOR: Add the following Senate Coauthor: Ivester

13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
14 entire bill and insert

15 "An Act relating to telecommunications; amending 17  
16 O.S. 2011, Section 139.102, which relates to the  
17 Oklahoma Telecommunications Act of 1997; adding a  
18 definition; modifying definitions; and declaring an  
19 emergency.

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

21 SECTION 1. AMENDATORY 17 O.S. 2011, Section 139.102, is  
22 amended to read as follows:

23 Section 139.102. As used in the Oklahoma Telecommunications Act  
24 of 1997:

1        1. "Access line" means the facility provided and maintained by  
2 a telecommunications service provider which permits access to or  
3 from the public switched network;

4        2. "Commission" means the Corporation Commission of this state;

5        3. "Competitive local exchange carrier" or "CLEC" means, with  
6 respect to an area or exchange, a telecommunications service  
7 provider that is certificated by the Commission to provide local  
8 exchange services in that area or exchange within the state after  
9 July 1, 1995;

10       4. "Competitively neutral" means not advantaging or favoring  
11 one person over another;

12       5. "End User Common Line Charge" means the flat-rate monthly  
13 interstate access charge required by the Federal Communications  
14 Commission that contributes to the cost of local service;

15       6. "Enhanced service" means a service that is delivered over  
16 communications transmission facilities and that uses computer  
17 processing applications to:

18           a. change the content, format, code, or protocol of  
19 transmitted information,

20           b. provide the customer new or restructured information,  
21 or

22           c. involve end-user interaction with information stored  
23 in a computer;

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1       7. "Exchange" means a geographic area established by an  
2 incumbent local exchange telecommunications provider as filed with  
3 or approved by the Commission for the administration of local  
4 telecommunications service in a specified area which usually  
5 embraces a city, town, or village and its environs and which may  
6 consist of one or more central offices together with associated  
7 plant used in furnishing telecommunications service in that area;

8       8. "Facilities" means all the plant and equipment of a  
9 telecommunications service provider, including all tangible and  
10 intangible real and personal property without limitation, and any  
11 and all means and instrumentalities in any manner owned, operated,  
12 leased, licensed, used, controlled, furnished, or supplied for, by,  
13 or in connection with the regulated business of any  
14 telecommunications service provider;

15       9. "~~High-speed~~ Highspeed Internet access service" or "broadband  
16 service" means, as used in Section ~~3~~ 139.110 of this ~~act~~ title,  
17 those services and underlying facilities that provide upstream, from  
18 customer to provider, or downstream, from provider to customer,  
19 transmission to or from the Internet in excess of one hundred fifty  
20 (150) kilobits per second, regardless of the technology or medium  
21 used including, but not limited to, wireless, copper wire, fiber  
22 optic cable, or coaxial cable, to provide such service;

1       10. "Hospital" means a healthcare entity that has been granted  
2 a license as a hospital by the Oklahoma Department of Health for  
3 that particular location;

4       11. "Incumbent local exchange telecommunications service  
5 provider" or "ILEC" means, with respect to an area or exchanges, any  
6 telecommunications service provider furnishing local exchange  
7 service in such area or exchanges within this state on July 1, 1995,  
8 pursuant to a certificate of convenience and necessity or  
9 grandfathered authority;

10       ~~11.~~ 12. "Interexchange telecommunications carrier" or "IXC"  
11 means any person, firm, partnership, corporation or other entity,  
12 except an incumbent local exchange telecommunications service  
13 provider, engaged in furnishing regulated interexchange  
14 telecommunications services under the jurisdiction of the  
15 Commission;

16       ~~12.~~ 13. "Internet" means the international research-oriented  
17 network comprised of business, government, academic and other  
18 networks;

19       ~~13.~~ 14. "Local exchange telecommunications service" means a  
20 regulated switched or dedicated telecommunications service which  
21 originates and terminates within an exchange or an exchange service  
22 territory. Local exchange telecommunications service may be  
23 terminated by a telecommunications service provider other than the  
24 telecommunications service provider on whose network the call

1 originated. The local exchange service territory defined in the  
2 originating provider's tariff shall determine whether the call is  
3 local exchange service;

4 ~~14.~~ 15. "Local exchange telecommunications service provider"  
5 means a company holding a certificate of convenience and necessity  
6 from the Commission to provide local exchange telecommunications  
7 service;

8 ~~15.~~ 16. "Not-for-profit hospital" means:

- 9 a. a hospital located in this state which has been  
10 licensed as a hospital at that location pursuant to  
11 Section 1-701 et seq. of Title 63 of the Oklahoma  
12 Statutes for the diagnosis, treatment, or care of  
13 patients in order to obtain medical care, surgical  
14 care or obstetrical care and which is established as  
15 exempt from taxation pursuant to the provisions of the  
16 Internal Revenue Code, 26 U.S.C., Section 501(c)(3),  
17 or
- 18 b. a ~~not-for-profit~~ hospital located in this state which  
19 is licensed as a hospital at that location pursuant to  
20 Section 1-701 et seq. of Title 63 of the Oklahoma  
21 Statutes and is owned by a municipality, county, or  
22 the state, or a public trust that is primarily funded  
23 by county, state, or federal support, located in this  
24 state, and devoted primarily to the maintenance and

1           ~~operation of facilities~~ for the diagnosis, treatment,  
2           or care of patients ~~admitted overnight or longer~~ in  
3           order to obtain medical care, surgical care, or  
4           obstetrical care;

5       ~~16.~~ 17. "Oklahoma High Cost Fund" means the fund established by  
6 the Commission in Cause Nos. PUD 950000117 and 950000119;

7       ~~17.~~ 18. "Oklahoma Lifeline Fund" means the fund established and  
8 required to be implemented by the Commission pursuant to Section  
9 139.105 of this title;

10       ~~18.~~ 19. "Oklahoma Universal Service Fund" means the fund  
11 established and required to be implemented by the Commission  
12 pursuant to Section 139.106 of this title;

13       ~~19.~~ 20. "Person" means any individual, partnership,  
14 association, corporation, governmental entity, public or private  
15 organization of any character, or any other entity;

16       ~~20.~~ 21. "Primary universal service" means an access line and  
17 dial tone provided to the premises of residential or business  
18 customers which provides access to other lines for the transmission  
19 of two-way switched or dedicated communication in the local calling  
20 area without additional, usage-sensitive charges, including:

- 21           a. a primary directory listing,
- 22           b. dual-tone multifrequency signaling,
- 23           c. access to operator services,
- 24           d. access to directory assistance services,

- e. access to telecommunications relay services for the deaf or hard-of-hearing,
- f. access to nine-one-one service where provided by a local governmental authority or multijurisdictional authority, and
- g. access to interexchange long distance services;

~~21.~~ 22. "Public library" means a library or library system that is freely open to all persons under identical conditions and which is supported in whole or in part by public funds. Public library shall not include libraries operated as part of any university, college, school museum, the Oklahoma Historical Society or county law libraries;

~~22.~~ 23. "Public school" means all free schools supported by public taxation, and shall include grades ~~kindergarten~~ prekindergarten through twelve;

~~23.~~ 24. "Regulated telecommunications service" means the offering of telecommunications for a fee directly to the public where the rates for such service are regulated by the Commission. Regulated telecommunications service does not include the provision of nontelecommunications services, including, but not limited to, the printing, distribution, or sale of advertising in telephone directories, maintenance of inside wire, customer premises equipment, and billing and collection service, nor does it include the provision of wireless telephone service, enhanced service, and

1 other unregulated services, including services not under the  
2 jurisdiction of the Commission, and services determined by the  
3 Commission to be competitive;

4 ~~24.~~ 25. "Special Universal Services" means the  
5 telecommunications services supported by the OUSF which are  
6 furnished to public schools, public libraries, not-for-profit  
7 hospitals and county seats as provided for in Section 139.109 of  
8 this title;

9 ~~25.~~ 26. "Tariff" means all or any part of the body of rates,  
10 tolls, charges, classifications, and terms and conditions of service  
11 relating to regulated services offered, the conditions under which  
12 offered, and the charges therefor, which have been filed with the  
13 Commission and have become effective;

14 ~~26.~~ 27. "Telecommunications" means the transmission, between or  
15 among points specified by the user, of voice or data information of  
16 the user's choosing, without change in the form or content of the  
17 information as sent and received;

18 ~~27.~~ 28. "Telecommunications carrier" means a person that  
19 provides telecommunications service in this state;

20 ~~28.~~ 29. "Telecommunications service" means the offering of  
21 telecommunications for a fee;

22 ~~29.~~ 30. "Universal service area" has the same meaning as the  
23 term "service area" as defined in 47 U.S.C., Section 214(e)(5); and  
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1        ~~30.~~ 31. "Wire center" means a geographic area normally served  
2 by a central office.

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

7        Passed the Senate the 15th day of April, 2014.

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Presiding Officer of the Senate

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11        Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
12 2014.

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Presiding Officer of the House  
of Representatives

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