

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2977 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Colby Schwartz _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2977

By: Schwartz

7
8 PROPOSED COMMITTEE SUBSTITUTE

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

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

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

17 Section 139.102 As used in the Oklahoma Telecommunications Act
18 of 1997:

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

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

23 3. "Competitive local exchange carrier" or "CLEC" means, with
24 respect to an area or exchange, a telecommunications service

1 provider that is certificated by the Commission to provide local
2 exchange services in that area or exchange within the state after
3 July 1, 1995;

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

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

9 6. "Enhanced service" means a service that is delivered over
10 communications transmission facilities and that uses computer
11 processing applications to:

- 12 a. change the content, format, code, or protocol of
- 13 transmitted information,
- 14 b. provide the customer new or restructured information,
- 15 or
- 16 c. involve end-user interaction with information stored
- 17 in a computer;

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

1 8. "Facilities" means all the plant and equipment of a
2 telecommunications service provider, including all tangible and
3 intangible real and personal property without limitation, and any
4 and all means and instrumentalities in any manner owned, operated,
5 leased, licensed, used, controlled, furnished, or supplied for, by,
6 or in connection with the regulated business of any
7 telecommunications service provider;

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

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

19 11. "Incumbent local exchange telecommunications service
20 provider" or "ILEC" means, with respect to an area or exchanges, any
21 telecommunications service provider furnishing local exchange
22 service in such area or exchanges within this state on July 1, 1995,
23 pursuant to a certificate of convenience and necessity or
24 grandfathered authority;

1 ~~11.~~ 12. "Interexchange telecommunications carrier" or "IXC"
2 means any person, firm, partnership, corporation or other entity,
3 except an incumbent local exchange telecommunications service
4 provider, engaged in furnishing regulated interexchange
5 telecommunications services under the jurisdiction of the
6 Commission;

7 ~~12.~~ 13. "Internet" means the international research-oriented
8 network comprised of business, government, academic and other
9 networks;

10 ~~13.~~ 14. "Local exchange telecommunications service" means a
11 regulated switched or dedicated telecommunications service which
12 originates and terminates within an exchange or an exchange service
13 territory. Local exchange telecommunications service may be
14 terminated by a telecommunications service provider other than the
15 telecommunications service provider on whose network the call
16 originated. The local exchange service territory defined in the
17 originating provider's tariff shall determine whether the call is
18 local exchange service;

19 ~~14.~~ 15. "Local exchange telecommunications service provider"
20 means a company holding a certificate of convenience and necessity
21 from the Commission to provide local exchange telecommunications
22 service;

23 ~~15.~~ 16. "Not-for-profit hospital" means:
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1 a. a hospital located in this state which has been
2 licensed as a hospital at that location pursuant to
3 Section 1-701 et seq. of Title 63 of the Oklahoma
4 Statutes for the diagnosis, treatment, or care of
5 patients in order to obtain medical care, surgical
6 care, or obstetrical care and which is established as
7 exempt from taxation pursuant to the provisions of the
8 Internal Revenue Code, 26 U.S.C., Section 501(c)(3),
9 or

10 b. a not-for-profit hospital located in this state which
11 is owned by a municipality, county, or the state, and
12 ~~that~~ is primarily funded by county, state, or federal
13 support, ~~located in this state, and devoted primarily~~
14 ~~to the maintenance and operation of facilities for the~~
15 diagnosis, treatment, or care of patients ~~admitted~~
16 ~~overnight or longer~~ in order to obtain medical care,
17 surgical care, or obstetrical care;

18 ~~16.~~ 17. "Oklahoma High Cost Fund" means the fund established by
19 the Commission in Cause Nos. PUD 950000117 and 950000119;

20 ~~17.~~ 18. "Oklahoma Lifeline Fund" means the fund established and
21 required to be implemented by the Commission pursuant to Section
22 139.105 of this title;

1 ~~18.~~ 19. "Oklahoma Universal Service Fund" means the fund
2 established and required to be implemented by the Commission
3 pursuant to Section 139.106 of this title;

4 ~~19.~~ 20. "Person" means any individual, partnership,
5 association, corporation, governmental entity, public or private
6 organization of any character, or any other entity;

7 ~~20.~~ 21. "Primary universal service" means an access line and
8 dial tone provided to the premises of residential or business
9 customers which provides access to other lines for the transmission
10 of two-way switched or dedicated communication in the local calling
11 area without additional, usage-sensitive charges, including:

- 12 a. a primary directory listing,
- 13 b. dual-tone multifrequency signaling,
- 14 c. access to operator services,
- 15 d. access to directory assistance services,
- 16 e. access to telecommunications relay services for the
17 deaf or hard-of-hearing,
- 18 f. access to nine-one-one service where provided by a
19 local governmental authority or multijurisdictional
20 authority, and
- 21 g. access to interexchange long distance services;

22 ~~21.~~ 22. "Public library" means a library or library system that
23 is freely open to all persons under identical conditions and which
24 is supported in whole or in part by public funds. Public library

1 shall not include libraries operated as part of any university,
2 college, school museum, the Oklahoma Historical Society or county
3 law libraries;

4 ~~22.~~ 23. "Public school" means all free schools supported by
5 public taxation, and shall include grades ~~kindergarten~~
6 prekindergarten through twelve;

7 ~~23.~~ 24. "Regulated telecommunications service" means the
8 offering of telecommunications for a fee directly to the public
9 where the rates for such service are regulated by the Commission.
10 Regulated telecommunications service does not include the provision
11 of nontelecommunications services, including, but not limited to,
12 the printing, distribution, or sale of advertising in telephone
13 directories, maintenance of inside wire, customer premises
14 equipment, and billing and collection service, nor does it include
15 the provision of wireless telephone service, enhanced service, and
16 other unregulated services, including services not under the
17 jurisdiction of the Commission, and services determined by the
18 Commission to be competitive;

19 ~~24.~~ 25. "Special Universal Services" means the
20 telecommunications services supported by the OUSF which are
21 furnished to public schools, public libraries, not-for-profit
22 hospitals and county seats as provided for in Section 139.109 of
23 this title;

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1 ~~25.~~ 26. "Tariff" means all or any part of the body of rates,
2 tolls, charges, classifications, and terms and conditions of service
3 relating to regulated services offered, the conditions under which
4 offered, and the charges therefor, which have been filed with the
5 Commission and have become effective;

6 ~~26.~~ 27. "Telecommunications" means the transmission, between or
7 among points specified by the user, of voice or data information of
8 the user's choosing, without change in the form or content of the
9 information as sent and received;

10 ~~27.~~ 28. "Telecommunications carrier" means a person that
11 provides telecommunications service in this state;

12 ~~28.~~ 29. "Telecommunications service" means the offering of
13 telecommunications for a fee;

14 ~~29.~~ 30. "Universal service area" has the same meaning as the
15 term "service area" as defined in 47 U.S.C., Section 214(e)(5); and

16 ~~30.~~ 31. "Wire center" means a geographic area normally served
17 by a central office.

18 SECTION 2. This act shall become effective November 1, 2014.

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20 54-2-10093 KB 02/14/14

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