

1 ENGROSSED SENATE
2 BILL NO. 1510

By: Standridge of the Senate

3 and

4 Echols of the House

5
6 An Act relating to telecommunications; amending 17
7 O.S. 2011, Section 139.105, as amended by Section 1,
8 Chapter 304, O.S.L. 2013 (17 O.S. Supp. 2013, Section
9 139.105), which relates to the Oklahoma Lifeline
Fund; modifying statutory language; limiting amount
of reimbursement from Oklahoma Lifeline Fund; and
providing an effective date.

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

13 SECTION 1. AMENDATORY 17 O.S. 2011, Section 139.105, as
14 amended by Section 1, Chapter 304, O.S.L. 2013 (17 O.S. Supp. 2013,
15 Section 139.105), is amended to read as follows:

16 Section 139.105. A. Each local exchange telecommunications
17 service provider who receives funding from the Oklahoma Lifeline
18 Fund shall file tariffs with the Corporation Commission implementing
19 a program to provide a full waiver of the End User Common Line
20 Charge on the monthly basic service rate of qualifying customers.
21 Eligibility criteria for this program shall comply with the
22 provisions of 47 C.F.R., Section 69.104(k)(1) and shall be limited
23 to customers who:

1 1. Are eligible for or receive assistance or benefits, as
2 certified by the Department of Human Services, under programs
3 providing:

- 4 a. Temporary Assistance to Needy Families,
- 5 b. Food Stamps,
- 6 c. Medical Assistance, or
- 7 d. Supplemental Security Income;

8 2. Are eligible for or receive assistance or benefits, as
9 certified by the State Department of Rehabilitation Services, under
10 programs providing vocational rehabilitation, including, but not
11 limited to, aid to the deaf or hard-of-hearing; or

12 3. Are eligible for or receive assistance or benefits, as
13 certified by the Oklahoma Tax Commission, pursuant to the Sales Tax
14 Relief Act.

15 B. There is hereby created within the Corporation Commission
16 the "Oklahoma Lifeline Fund". The Commission shall administer and
17 maintain the Oklahoma Lifeline Fund to help ensure that low-income
18 Oklahomans are provided financial assistance in maintaining basic
19 local exchange telecommunications service. Proceeds from the
20 Oklahoma Lifeline Fund shall be distributed to all local exchange
21 telecommunications service providers who are required to file
22 lifeline tariffs.

23 C. The Oklahoma Lifeline Fund charges shall be levied,
24 collected, and administered pursuant to Section 139.107 of this

1 title. Telecommunications carriers may, at their option, recover
2 from their retail customers who are not eligible for lifeline
3 assistance, on an equitable basis, the amount of the lifeline
4 charges paid by the carrier. The Oklahoma Lifeline Fund charges
5 shall not be subject to state or local taxes or franchise fees.

6 D. An eligible telecommunications carrier may not receive
7 reimbursements from the Oklahoma Lifeline Fund unless it
8 demonstrates that its rates have been reduced by an amount equal to
9 the amount of the Lifeline payments which have been previously
10 included in the rate structure of the carrier. A carrier shall be
11 eligible for support from the Oklahoma Lifeline Fund for any amount
12 which is greater than the amount which has been previously included
13 in the rate structure of the carrier.

14 E. After ~~the effective date of this act~~ May 16, 2013, an
15 eligible telecommunications carrier shall not receive reimbursements
16 from the Oklahoma Lifeline Fund until it provides documentation in
17 the approved format to the Director of the Public Utility Division
18 of the ~~Oklahoma~~ Corporation Commission confirming its compliance
19 with federal and state guidelines and rules and establishes an
20 ongoing process for providing documentation in the approved format
21 to the Director of the Public Utility Division of the ~~Oklahoma~~
22 Corporation Commission demonstrating that the eligible
23 telecommunications carrier:

24

1 1. Is collecting and maintaining reliable records regarding the
2 verification of initial and continued eligibility for Lifeline
3 services; and

4 2. Is in compliance with the ~~Oklahoma~~ Corporation Commission
5 and Federal Communications Commission rules and regulations for
6 Lifeline services.

7 F. In order to satisfy the provisions of paragraph 1 of
8 subsection E of this section, an eligible telecommunications carrier
9 shall obtain in writing the following information from the customer
10 seeking Lifeline service:

11 1. The customer's name;

12 2. The last four digits of the customer's social security
13 number or tribal identification number if the customer does not have
14 a social security number;

15 3. The customer's date of birth; and

16 4. The customer's billing address.

17 G. Additionally, an eligible telecommunications carrier seeking
18 reimbursement from the Oklahoma Universal Service Fund for the
19 provisioning of Lifeline service must obtain a certified statement
20 in writing from the customer at the time Lifeline services are
21 initially requested and on an annual basis thereafter that:

22 1. The customer seeking Lifeline services participates in one
23 of the programs listed in subsection A of this section;

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1 2. The telephone service location to which the certification
2 applies is the customer's primary residential service address rather
3 than a second home or business;

4 3. If in the future the customer no longer participates in or
5 qualifies for at least one of the programs listed in subsection A of
6 this section, the customer will notify the eligible
7 telecommunications carrier within thirty (30) days;

8 4. The telephone service which is being requested is listed in
9 the customer's legal name;

10 5. The customer is eighteen (18) years of age or older and is
11 not claimed as a dependent on another person's tax return; and

12 6. The customer's residence will only receive one Lifeline
13 service benefit and, to the best of the customer's knowledge, is not
14 already receiving Lifeline service.

15 H. If the customer seeking Lifeline service does not have a
16 primary residential address, the eligible telecommunications carrier
17 seeking reimbursement from the Oklahoma Universal Service Fund for
18 the provision of Lifeline service must obtain a certified statement
19 in writing from the customer that the address provided is temporary
20 and that the customer will recertify his or her temporary address
21 every ninety (90) days.

22 H. I. In order to obtain reimbursement from the Oklahoma
23 Universal Service Fund, the eligible telecommunications carrier must
24 also obtain a certified statement in writing from the customer, at

1 the time Lifeline services are initially requested and on an annual
2 basis thereafter, that the customer has read, understands and
3 acknowledges the following:

4 1. The eligible telecommunications carrier or its duly
5 appointed representative has authorization to access any records
6 required to verify the statements made by the customer in order to
7 confirm continued participation in any of the programs listed in
8 subsection A of this section, and authorizes representatives of
9 those programs to discuss with and/or provide copies to the eligible
10 telecommunications carrier or its duly appointed representative to
11 verify the customer's eligibility for and participation in any of
12 the programs listed in subsection A of this section; and

13 2. The eligible telecommunications carrier is authorized to
14 transmit to any governmental entity or its designee handling a
15 Lifeline accountability database the customer's full name, full
16 residential address, date of birth, and the last four digits of the
17 customer's social security number or tribal identification number if
18 the customer does not have a social security number, the telephone
19 number associated with the Lifeline service provided, the date on
20 which Lifeline service will or has begun, the date on which the
21 Lifeline service ends, the amount of support sought by the company
22 and the means through which one qualifies for program benefits. The
23 customer must also acknowledge that transmission of this information
24 is required to ensure the proper administration of the Lifeline

1 program and that if the customer refuses to have this information
2 transmitted to the administrator, he or she will be denied Lifeline
3 service; and

4 3. The eligible telecommunications carrier seeking
5 reimbursement from the Oklahoma Universal Service Fund for the
6 provisioning of Lifeline services shall also note on the certified
7 written statement obtained from the customer the name of the
8 employee or representative who verified the customer's eligibility
9 for Lifeline service and the type of documentation reviewed.

10 I. The Corporation Commission is authorized to promulgate rules
11 necessary to implement the provisions of this section, including the
12 establishment of fines of up to Ten Thousand Dollars (\$10,000.00)
13 per day per violation. A telecommunications carrier may be fined by
14 the ~~Oklahoma~~ Corporation Commission for marketing practices
15 determined by an administrative law judge to be in violation of the
16 ~~Oklahoma~~ Corporation Commission's rules and noncompliance with other
17 provisions of the Oklahoma Lifeline Fund program rules, as the
18 ~~Oklahoma~~ Corporation Commission may deem proper after notice and
19 opportunity for hearing.

20 J. The amount reimbursed from the Oklahoma Lifeline Fund for
21 the provision of Lifeline service shall not exceed two cents (\$0.02)
22 per month per Lifeline subscriber.

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