

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1389

By: Ivester of the Senate

and

Schwartz of the House

8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to telecommunications; amending 17
12 O.S. 2011, Section 139.102, which relates to the
13 Oklahoma Telecommunications Act of 1997; modifying
14 definition; and declaring an emergency.

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

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

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

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

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

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

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

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

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

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

20 7. "Exchange" means a geographic area established by an
21 incumbent local exchange telecommunications provider as filed with
22 or approved by the Commission for the administration of local
23 telecommunications service in a specified area which usually
24 embraces a city, town, or village and its environs and which may

1 consist of one or more central offices together with associated
2 plant used in furnishing telecommunications service in that area;

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

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

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

21 11. "Incumbent local exchange telecommunications service
22 provider" or "ILEC" means, with respect to an area or exchanges, any
23 telecommunications service provider furnishing local exchange
24 service in such area or exchanges within this state on July 1, 1995,

1 pursuant to a certificate of convenience and necessity or
2 grandfathered authority;

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

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

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

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

1 ~~15.~~ 16. "Not-for-profit hospital" means:

2 a. a hospital located in this state which has been
3 licensed as a hospital at that location pursuant to
4 Section 1-701 et seq. of Title 63 of the Oklahoma
5 Statutes for the diagnosis, treatment, or care of
6 patients in order to obtain medical care, surgical
7 care or obstetrical care and which is established as
8 exempt from taxation pursuant to the provisions of the
9 Internal Revenue Code, 26 U.S.C., Section 501(c)(3),
10 or

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

20 ~~16.~~ 17. "Oklahoma High Cost Fund" means the fund established by
21 the Commission in Cause Nos. PUD 950000117 and 950000119;

22 ~~17.~~ 18. "Oklahoma Lifeline Fund" means the fund established and
23 required to be implemented by the Commission pursuant to Section
24 139.105 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;

24

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. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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23 COMMITTEE REPORT BY: COMMITTEE ON UTILITY AND ENVIRONMENTAL
24 REGULATION, dated 04/02/2014 - DO PASS, As Amended.