

1 **SENATE FLOOR VERSION**

2 April 3, 2014

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 2977

By: Schwartz of the House

and

Brinkley of the Senate

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8  
9 [ telecommunications - Oklahoma Telecommunications  
10 Act of 1997 - emergency ]

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

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

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

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

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

22 3. "Competitive local exchange carrier" or "CLEC" means, with  
23 respect to an area or exchange, a telecommunications service  
24 provider that is certificated by the Commission to provide local

1 exchange services in that area or exchange within the state after  
2 July 1, 1995;

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

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

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

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

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

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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~~ Highspeed Internet access service" or "broadband  
9 service" means, as used in Section ~~3~~ 139.110 of this ~~act~~ title,  
10 those 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 licensed as a hospital at that location pursuant to  
12 Section 1-701 et seq. of Title 63 of the Oklahoma  
13 Statutes and is owned by a municipality, county,  
14 public trust or the state, ~~that~~ and is primarily  
15 funded by county, state, or federal support, ~~located~~  
16 ~~in this state, and devoted primarily to the~~  
17 ~~maintenance and operation of facilities for the~~  
18 diagnosis, treatment, or care of patients ~~admitted~~  
19 ~~overnight or longer~~ in order to obtain medical care,  
20 surgical care, or obstetrical care;

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

1       ~~17.~~ 18. "Oklahoma Lifeline Fund" means the fund established and  
2 required to be implemented by the Commission pursuant to Section  
3 139.105 of this title;

4       ~~18.~~ 19. "Oklahoma Universal Service Fund" means the fund  
5 established and required to be implemented by the Commission  
6 pursuant to Section 139.106 of this title;

7       ~~19.~~ 20. "Person" means any individual, partnership,  
8 association, corporation, governmental entity, public or private  
9 organization of any character, or any other entity;

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

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

1       ~~21.~~ 22. "Public library" means a library or library system that  
2 is freely open to all persons under identical conditions and which  
3 is supported in whole or in part by public funds. Public library  
4 shall not include libraries operated as part of any university,  
5 college, school museum, the Oklahoma Historical Society or county  
6 law libraries;

7       ~~22.~~ 23. "Public school" means all free schools supported by  
8 public taxation, and shall include grades ~~kindergarten~~  
9 prekindergarten through twelve;

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

22       ~~24.~~ 25. "Special Universal Services" means the  
23 telecommunications services supported by the OUSF which are  
24 furnished to public schools, public libraries, not-for-profit

1 hospitals and county seats as provided for in Section 139.109 of  
2 this title;

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

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

12 ~~27.~~ 28. "Telecommunications carrier" means a person that  
13 provides telecommunications service in this state;

14 ~~28.~~ 29. "Telecommunications service" means the offering of  
15 telecommunications for a fee;

16 ~~29.~~ 30. "Universal service area" has the same meaning as the  
17 term "service area" as defined in 47 U.S.C., Section 214(e)(5); and

18 ~~30.~~ 31. "Wire center" means a geographic area normally served  
19 by a central office.

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

3 COMMITTEE REPORT BY: COMMITTEE ON ENERGY  
4 April 3, 2014 - DO PASS AS AMENDED  
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