

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 484

By: Marlatt of the Senate

and

6 Sanders of the House

7
8
9 COMMITTEE SUBSTITUTE

10 [telecommunications - Oklahoma Universal Service
11 Fund - requiring certain requests for reimbursement
12 within certain time period - providing for interim
13 approval and funding - establishing criteria for a
14 complete request - authorizing the Corporation
15 Commission to request additional information -
16 providing for liability for payment of certain
17 services - authorizing Commission to establish
18 fines for violations - making certain declaration -
19 noncodification -

20 emergency]

21
22
23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
24

1 SECTION 1. AMENDATORY 17 O.S. 2011, Section 139.109, as
2 last amended by Section 2, Chapter 182, O.S.L. 2014 (17 O.S. Supp.
3 2014, Section 139.109), is amended to read as follows:

4 Section 139.109 A. There is hereby created within the
5 Corporation Commission the "Oklahoma E911 Emergency Service Fund".
6 Beginning September 1, 1997, each local exchange telecommunications
7 service provider shall annually contribute fifty cents (\$0.50) per
8 retail local exchange access line to the Oklahoma E911 Emergency
9 Service Fund until the total amount contributed by all providers to
10 the Fund equals Five Million Dollars (\$5,000,000.00). The
11 contribution amount for each service provider shall be based upon
12 the number of retail local exchange access lines of that service
13 provider in service on July 1 of each applicable year. The Oklahoma
14 E911 Emergency Service Fund shall be administered by the Corporation
15 Commission and used to defray the cost of purchasing and installing
16 equipment for enhanced 911 emergency systems across the state.
17 Preference for funding shall be given first to those systems
18 established in areas of the state which do not have access to 911
19 emergency service before July 1, 1997, and second to areas of the
20 state which do not have access to enhanced 911 emergency services.
21 Funding from the E911 Emergency Service Fund shall not be used for
22 ongoing operating costs of any emergency telephone service system.
23 To qualify for funding, the emergency telephone service system shall
24 have been or be in the process of being approved as provided for in

1 the Nine-One-One Emergency Number Act. Local exchange
2 telecommunications service providers serving fifteen percent (15%)
3 or more of the access lines in the state may not apply for recovery
4 of the contributions made to the E911 Emergency Service Fund from
5 the Oklahoma Universal Service Fund created in Section 139.106 of
6 this title. All monies in the Oklahoma E911 Emergency Service Fund
7 shall be expended only for the purposes set forth in this
8 subsection.

9 B. There is hereby created within the Oklahoma Department of
10 Career and Technology Education the "Oklahoma Telecommunications
11 Technology Training Fund". Beginning September 1, 1997, each local
12 exchange telecommunications service provider shall annually
13 contribute seventy-five cents (\$0.75) per retail local exchange
14 access line to the Oklahoma Telecommunications Technology Training
15 Fund until the total amount contributed by all providers to the Fund
16 equals Seven Million Dollars (\$7,000,000.00). The contribution
17 amount for each service provider shall be based upon the number of
18 retail local exchange access lines of that service provider in
19 service on July 1 of each applicable year. The Oklahoma
20 Telecommunications Technology Training Fund shall be administered by
21 the Oklahoma Department of Career and Technology Education working
22 in conjunction with OneNet, and shall be used to provide statewide
23 training of teachers and school administrators in the most effective
24 use of telecommunications and distance learning technology for the

1 enhancement of education throughout the state. Local exchange
2 telecommunications service providers serving fifteen percent (15%)
3 or more of the access lines in the state may not apply for recovery
4 of the contributions made to the Oklahoma Telecommunications
5 Technology Training Fund from the Oklahoma Universal Service Fund
6 created in Section 139.106 of this title. All monies in the
7 Oklahoma Telecommunications Technology Training Fund shall be
8 expended only for the purposes set forth in this subsection.

9 C. The following services are hereby declared to be Special
10 Universal Services and such services shall be provided only after
11 funding for the Oklahoma Universal Service Fund is implemented as
12 set forth in Section 139.101 et seq. of this title:

13 1. Each not-for-profit hospital in the state shall, upon
14 written request, receive one incoming, toll-free phone number and up
15 to a total of five access lines, free of charge, to allow incoming,
16 toll-free calls from any location within the geographic area served
17 by the hospital;

18 2. Each not-for-profit hospital, county health department,
19 city-county health department, not-for-profit mental health and
20 substance abuse facility as defined in Section 139.102 of this title
21 and federally qualified health center in this state shall, upon
22 written request, receive, free of charge, one telecommunications
23 line or wireless connection sufficient for providing such
24 telemedicine, clinical and health consultation services as the

1 entity's telemedicine equipment and service applications require.
2 The telecommunications carrier shall be entitled to reimbursement
3 from the Oklahoma Universal Service Fund for providing the line or
4 connection. In no case, however, shall reimbursement from the fund
5 be made for an Internet subscriber fee or charges incurred as a
6 result of services accessed via the Internet;

7 3. Each public school building wherein classrooms are contained
8 and each public library in the state shall, upon written request,
9 receive one incoming, toll-free phone number and up to a total of
10 five access lines, free of charge, to allow incoming, toll-free
11 calls from any location within the geographic area served by the
12 school or the public library;

13 4. Each public school building wherein classrooms are contained
14 and each public library in the state shall, upon written request,
15 receive one access line, free of charge, with the ability to connect
16 to an Internet service provider at 1.5Mbps, in the most economically
17 efficient manner for the carrier, or an equivalent dollar credit to
18 be applied by the public school or public library toward similar
19 services provided by the same carrier, for the purpose of accessing
20 the Internet. In no case shall the Oklahoma Universal Service Fund
21 reimburse an entity for an Internet subscriber fee or charges
22 incurred as a result of services accessed via the Internet; and

23 5. Each county seat in the state shall, upon written request of
24 the board of county commissioners, receive one incoming, toll-free

1 phone number and up to a total of five access lines, free of charge,
2 to allow incoming, toll-free calls from any location within the
3 geographic area served by the county seat.

4 D. To the extent Special Universal Services are purchased from
5 a telecommunications service provider by another carrier, the
6 Special Universal Services are for the exclusive use of the not-for-
7 profit hospital, county health department, city-county health
8 department, federally qualified health center, public school, public
9 library or county government. Under no circumstances shall the not-
10 for-profit hospital, county health department, city-county health
11 department, federally qualified health center, public school, public
12 library or county government sell, repackage or share Special
13 Universal Services with any other entity.

14 E. The Corporation Commission shall have authority to
15 investigate and modify or reject in whole or part a Special
16 Universal Services request under subsection C of this section if the
17 request does not meet the specified criteria, if the Corporation
18 Commission's investigation determines that the entity has not
19 provided sufficient justification for the requested services, or if
20 the Corporation Commission determines that granting the request is
21 not in the public interest.

22 F. Any request for Special Universal Services reimbursement
23 requested under paragraph 1 or 2 of subsection C of this section
24 shall be filed by the telecommunications service provider within one

1 hundred twenty (120) days of the Special Universal Services being
2 initially provided. Any request for Special Universal Services
3 reimbursement requested under paragraph 3 or 4 of subsection C of
4 this section shall be filed by the telecommunications service
5 provider within one hundred twenty (120) days of the first day of
6 the fiscal year in which the Special Universal Services are to be
7 provided to the requesting public school or library. If a request
8 for reconsideration is filed within the time provided for in
9 subsection D of Section 139.106 of this title and if the Corporation
10 Commission does not issue a final order addressing the merits of the
11 request as provided in subsection D of Section 139.106 of this
12 title, the request shall be deemed approved on an interim basis as
13 provided in subsection D of Section 139.106 of this title and
14 interim Oklahoma Universal Service Fund funding shall be paid within
15 thirty (30) days. A request for reimbursement shall be deemed
16 complete when it is filed with the Commission with a valid contract
17 and invoice. Additional information may be obtained by the
18 Commission from the recipient of the Special Universal Services, as
19 necessary. Failure of the recipient to provide requested
20 information to the Commission may result in the denial of the
21 funding request. Failure of the recipient to provide requested
22 information to the Commission or an adverse decision by the
23 Commission shall not relieve the recipient of liability for payment
24 to the telecommunications service provider for the provision of

1 Special Universal Services. The Commission is authorized to
2 establish fines of up to Five Hundred Dollars (\$500.00) per day, per
3 violation of rules or orders of the Commission promulgated to
4 implement the provisions of this subsection.

5 SECTION 2. NEW LAW A new section of law not to be
6 codified in the Oklahoma Statutes reads as follows:

7 Pursuant to the authority vested in the Legislature by Section
8 35 of Article IX of the Constitution of the State of Oklahoma, the
9 Legislature hereby expressly declares that this act is an amendment
10 to and alteration of Sections 18 through 34, inclusive, of Article
11 IX of the Constitution of the State of Oklahoma.

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

16
17 55-1-7381 KB 04/9/15
18
19
20
21
22
23
24