

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 484

6 By: Marlatt

7 COMMITTEE SUBSTITUTE

8 An Act relating to telecommunications; amending 17
9 O.S. 2011, Section 139.109, as last amended by
10 Section 2, Chapter 182, O.S.L. 2014 (17 O.S. Supp.
11 2014, Section 139.109), which relates to the Oklahoma
12 Universal Service Fund; requiring certain requests
13 for reimbursement within certain time period;
14 authorizing Corporation Commission to establish fines
15 for violations; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 17 O.S. 2011, Section 139.109, as
18 last amended by Section 2, Chapter 182, O.S.L. 2014 (17 O.S. Supp.
19 2014, Section 139.109), is amended to read as follows:

20 Section 139.109. A. There is hereby created within the
21 Corporation Commission the "Oklahoma E911 Emergency Service Fund".
22 Beginning September 1, 1997, each local exchange telecommunications
23 service provider shall annually contribute fifty cents (\$0.50) per
24 retail local exchange access line to the Oklahoma E911 Emergency
Service Fund until the total amount contributed by all providers to
the Fund equals Five Million Dollars (\$5,000,000.00). The

1 contribution amount for each service provider shall be based upon
2 the number of retail local exchange access lines of that service
3 provider in service on July 1 of each applicable year. The Oklahoma
4 E911 Emergency Service Fund shall be administered by the Corporation
5 Commission and used to defray the cost of purchasing and installing
6 equipment for enhanced 911 emergency systems across the state.
7 Preference for funding shall be given first to those systems
8 established in areas of the state which do not have access to 911
9 emergency service before July 1, 1997, and second to areas of the
10 state which do not have access to enhanced 911 emergency services.
11 Funding from the E911 Emergency Service Fund shall not be used for
12 ongoing operating costs of any emergency telephone service system.
13 To qualify for funding, the emergency telephone service system shall
14 have been or be in the process of being approved as provided for in
15 the Nine-One-One Emergency Number Act. Local exchange
16 telecommunications service providers serving fifteen percent (15%)
17 or more of the access lines in the state may not apply for recovery
18 of the contributions made to the E911 Emergency Service Fund from
19 the Oklahoma Universal Service Fund created in Section 139.106 of
20 this title. All monies in the Oklahoma E911 Emergency Service Fund
21 shall be expended only for the purposes set forth in this
22 subsection.

23 B. There is hereby created within the Oklahoma Department of
24 Career and Technology Education the "Oklahoma Telecommunications

1 Technology Training Fund". Beginning September 1, 1997, each local
2 exchange telecommunications service provider shall annually
3 contribute seventy-five cents (\$0.75) per retail local exchange
4 access line to the Oklahoma Telecommunications Technology Training
5 Fund until the total amount contributed by all providers to the Fund
6 equals Seven Million Dollars (\$7,000,000.00). The contribution
7 amount for each service provider shall be based upon the number of
8 retail local exchange access lines of that service provider in
9 service on July 1 of each applicable year. The Oklahoma
10 Telecommunications Technology Training Fund shall be administered by
11 the Oklahoma Department of Career and Technology Education working
12 in conjunction with OneNet, and shall be used to provide statewide
13 training of teachers and school administrators in the most effective
14 use of telecommunications and distance learning technology for the
15 enhancement of education throughout the state. Local exchange
16 telecommunications service providers serving fifteen percent (15%)
17 or more of the access lines in the state may not apply for recovery
18 of the contributions made to the Oklahoma Telecommunications
19 Technology Training Fund from the Oklahoma Universal Service Fund
20 created in Section 139.106 of this title. All monies in the
21 Oklahoma Telecommunications Technology Training Fund shall be
22 expended only for the purposes set forth in this subsection.

23 C. The following services are hereby declared to be Special
24 Universal Services and such services shall be provided only after

1 funding for the Oklahoma Universal Service Fund is implemented as
2 set forth in Section 139.101 et seq. of this title:

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

8 2. Each not-for-profit hospital, county health department,
9 city-county health department, not-for-profit mental health and
10 substance abuse facility as defined in Section 139.102 of this title
11 and federally qualified health center in this state shall, upon
12 written request, receive, free of charge, one telecommunications
13 line or wireless connection sufficient for providing such
14 telemedicine, clinical and health consultation services as the
15 entity's telemedicine equipment and service applications require.
16 The telecommunications carrier shall be entitled to reimbursement
17 from the Oklahoma Universal Service Fund for providing the line or
18 connection. In no case, however, shall reimbursement from the fund
19 be made for an Internet subscriber fee or charges incurred as a
20 result of services accessed via the Internet;

21 3. Each public school building wherein classrooms are contained
22 and each public library in the state shall, upon written request,
23 receive one incoming, toll-free phone number and up to a total of
24 five access lines, free of charge, to allow incoming, toll-free

1 calls from any location within the geographic area served by the
2 school or the public library;

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

13 5. Each county seat in the state shall, upon written request of
14 the board of county commissioners, receive one incoming, toll-free
15 phone number and up to a total of five access lines, free of charge,
16 to allow incoming, toll-free calls from any location within the
17 geographic area served by the county seat.

18 D. To the extent Special Universal Services are purchased from
19 a telecommunications service provider by another carrier, the
20 Special Universal Services are for the exclusive use of the not-for-
21 profit hospital, county health department, city-county health
22 department, federally qualified health center, public school, public
23 library or county government. Under no circumstances shall the not-
24 for-profit hospital, county health department, city-county health

1 department, federally qualified health center, public school, public
2 library or county government sell, repackage or share Special
3 Universal Services with any other entity.

4 E. The Corporation Commission shall have authority to
5 investigate and modify or reject in whole or part a Special
6 Universal Services request under subsection C of this section if the
7 request does not meet the specified criteria, if the Corporation
8 Commission's investigation determines that the entity has not
9 provided sufficient justification for the requested services, or if
10 the Corporation Commission determines that granting the request is
11 not in the public interest.

12 F. Any request for Special Universal Service reimbursement
13 requested under subsection C (1) or (2) of Section 139.109 shall be
14 filed by the telecommunications service provider within ninety (90)
15 days of the Special Universal Service being initially provided. Any
16 request for Special Universal Service reimbursement requested under
17 subsection C (3) or (4) of Section 139.109 shall be filed by the
18 telecommunications service provider within ninety (90) days of the
19 first day of the fiscal year in which the Special Universal Services
20 are to be provided to the requesting public school or library. If
21 no request for reconsideration is filed within fifteen (15) days of
22 the OUSF Administrator's determination as provided in subsection D
23 of Section 139.106, the OUSF Administrator's determination shall be
24 deemed final on the sixteenth day following the OUSF Administrator's

1 determination and the OUSF funding will be paid as provided in the
2 OUSF Administrator's determination without order of the Commission.
3 However, if a request for reconsideration is filed within the time
4 from provided in subsection D of Section 139.106, and if the
5 Commission does not issue a final order addressing the merits of the
6 request as provided in subsection D of Section 139.106, then the
7 request shall be deemed approved on an interim basis as provided in
8 subsection D of Section 139-106. Interim OUSF funding will be paid
9 within thirty (30) days. If the Commission fails to issue a final
10 order addressing the merits of a request for reconsideration within
11 one-hundred twenty (120) days following the OUSF Administrator's
12 determination, the request shall be deemed approved on a permanent
13 basis without order of the Commission and the OUSF funding will be
14 paid within thirty (30) days. A request for reimbursement shall be
15 deemed complete when it is filed with the Commission with a valid
16 contract and an invoice. Additional information may be obtained by
17 the Commission from the recipient of the Special Universal Service,
18 as necessary. Failure of the recipient to provide requested
19 information to be Commission may result in the denial of the funding
20 request. Failure of the recipient to provide requested information
21 to the Commission and/or an adverse decision by the Commission does
22 not relieve the recipient of liability for payment to the
23 telecommunications service provider for the provision of Special
24 Universal Service. The Commission is authorized to establish fines

1 of up to Five Hundred Dollars (\$500.00) per day, per violation of
2 rules or orders of the Commission promulgated to implement the
3 provisions of this subsection.

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

8
9 55-1-1530 MJM 2/18/2016 4:35:03 PM