

1 STATE OF OKLAHOMA

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

3 SENATE BILL 63

By: Paddack

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5
6 AS INTRODUCED

7 An Act relating to telecommunications; amending 17
8 O.S. 2011, Section 139.109, as last amended by
9 Section 2, Chapter 182, O.S.L. 2014 (17 O.S. Supp.
10 2014, Section 139.109), which relates to the Oklahoma
11 E911 Emergency Service Fund; clarifying requirement
12 for certain competitive bidding; stating factors for
13 certain funding consideration; requiring Corporation
14 Commission to consider public interest in certain
15 funding; requiring Commission to give certain notice;
16 and declaring an emergency.

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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 6. The Corporation Commission shall, as part of the request,
19 only require competitive bidding of services when it would also be
20 required by the applicant if the same applicant were applying for
21 funding from the Federal Communications Commission; provided, the
22 competitive bid process shall be consistent with federal guidelines;
23 and

1 7. Cost shall be just one factor in determining the request for
2 Special Universal Services. Quality of service provided by the
3 telecommunications services shall also be considered a relevant
4 factor in reviewing requests for Special Universal Services.

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

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

1 consideration of the public interest in the provision of
2 telecommunication services as detailed in Section 101 et seq. of
3 this title for the following entities: public school, public
4 library, county seat or telemedicine.

5 F. Notice of all proceedings in which funds for Special
6 Universal Services are requested shall be given to the
7 telecommunications provider and the public school, public library,
8 county seat or telemedicine provider.

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

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