

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

SUBCOMMITTEE RECOMMENDATION

FOR

HOUSE BILL NO. 2165

By: Echols

SUBCOMMITTEE RECOMMENDATION

An Act relating to telecommunications; amending 17 O.S. 2011, Section 139.105, which relates to the Oklahoma Lifeline Fund; prohibiting reimbursements from the Oklahoma Lifeline Fund for certain carriers until certain conditions are met; specifying conditions required for reimbursement; authorizing the Corporation Commission to adopt certain rules; allowing fines and penalties for certain actions; and declaring an emergency.

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

SECTION 1. AMENDATORY 17 O.S. 2011, Section 139.105, is amended to read as follows:

Section 139.105 A. Each local exchange telecommunications service provider shall file tariffs with the Corporation Commission implementing a program to provide a full waiver of the End User Common Line Charge and a credit equal to the End User Common Line Charge on the monthly basic service rate of qualifying customers. Eligibility criteria for this program shall comply with the

provisions of 47 C.F.R., Section 69.104(k) (1) and shall be limited to customers who:

1. Are eligible for or receive assistance or benefits, as certified by the Department of Human Services, under programs providing:

- a. Temporary Assistance to Needy Families,
- b. Food Stamps,
- c. Medical Assistance, or
- d. Supplemental Security Income;

2. Are eligible for or receive assistance or benefits, as certified by the State Department of Rehabilitation Services, under programs providing vocational rehabilitation, including, but not limited to, aid to the deaf or hard-of-hearing; or

3. Are eligible for or receive assistance or benefits, as certified by the Oklahoma Tax Commission, pursuant to the Sales Tax Relief Act.

B. There is hereby created within the Corporation Commission the "Oklahoma Lifeline Fund". The Commission shall administer and maintain the Oklahoma Lifeline Fund to help ensure that low-income Oklahomans are provided financial assistance in maintaining basic local exchange telecommunications service. Proceeds from the Oklahoma Lifeline Fund shall be distributed to all local exchange telecommunications service providers who are required to file lifeline tariffs.

1 C. The Oklahoma Lifeline Fund charges shall be levied,
2 collected, and administered pursuant to Section 139.107 of this
3 title. Telecommunications carriers may, at their option, recover
4 from their retail customers who are not eligible for lifeline
5 assistance, on an equitable basis, the amount of the lifeline
6 charges paid by the carrier. The Oklahoma Lifeline Fund charges
7 shall not be subject to state or local taxes or franchise fees.

8 D. An eligible telecommunications carrier may not receive
9 reimbursements from the Oklahoma Lifeline Fund unless it
10 demonstrates that its rates have been reduced by an amount equal to
11 the amount of the Lifeline payments which have been previously
12 included in the rate structure of the carrier. A carrier shall be
13 eligible for support from the Oklahoma Lifeline Fund for any amount
14 which is greater than the amount which has been previously included
15 in the rate structure of the carrier.

16 E. After the effective date of this act, an eligible
17 telecommunications carrier shall not receive reimbursements from the
18 Oklahoma Lifeline Fund until it provides documentation confirming
19 compliance with federal and state guidelines and rules and
20 establishes an ongoing process for providing documentation to the
21 Corporation Commission demonstrating that the carrier:

22 1. Is collecting and maintaining reliable records regarding the
23 verification of initial and continued eligibility for Lifeline
24 services;

1 2. Is collecting and maintaining sufficient information to
2 prevent a customer from receiving multiple Lifeline credits from
3 carriers in Oklahoma; and

4 3. Is in compliance with the Commission and Federal
5 Communications Commission rules and regulations for Lifeline
6 services.

7 F. The Corporation Commission is authorized to adopt all
8 necessary rules to implement the provisions of this section,
9 including the establishment of fines and penalties. A
10 telecommunications carrier may be fined or penalized by the
11 Commission for marketing practices and noncompliance with the phone
12 issuance provisions of the Oklahoma Lifeline Fund program, as the
13 Commission may deem proper after notice and opportunity for hearing.

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

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