

1 ENGROSSED HOUSE  
2 BILL NO. 2165

By: Echols, Hulbert, Ritze and  
McDaniel (Jeannie) of the  
House

3  
4 and

Standridge of the Senate

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

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

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

18 Section 139.105 A. Each local exchange telecommunications  
19 service provider shall file tariffs with the Corporation Commission  
20 implementing a program to provide a full waiver of the End User  
21 Common Line Charge and a credit equal to the End User Common Line  
22 Charge on the monthly basic service rate of qualifying customers.  
23 Eligibility criteria for this program shall comply with the  
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1 provisions of 47 C.F.R., Section 69.104(k) (1) and shall be limited  
2 to customers who:

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

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

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

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

17 B. There is hereby created within the Corporation Commission  
18 the "Oklahoma Lifeline Fund". The Commission shall administer and  
19 maintain the Oklahoma Lifeline Fund to help ensure that low-income  
20 Oklahomans are provided financial assistance in maintaining basic  
21 local exchange telecommunications service. Proceeds from the  
22 Oklahoma Lifeline Fund shall be distributed to all local exchange  
23 telecommunications service providers who are required to file  
24 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.

1 Passed the House of Representatives the 6th day of March, 2013.

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3 Presiding Officer of the House  
4 of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2013.

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7 Presiding Officer of the Senate