

CORRECTED

HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2165

By: Echols of the House

and

Standridge of the Senate

COMMITTEE SUBSTITUTE

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:

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

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

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

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

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

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

9 C. The Oklahoma Lifeline Fund charges shall be levied,
10 collected, and administered pursuant to Section 139.107 of this
11 title. Telecommunications carriers may, at their option, recover
12 from their retail customers who are not eligible for lifeline
13 assistance, on an equitable basis, the amount of the lifeline
14 charges paid by the carrier. The Oklahoma Lifeline Fund charges
15 shall not be subject to state or local taxes or franchise fees.

16 D. An eligible telecommunications carrier may not receive
17 reimbursements from the Oklahoma Lifeline Fund unless it
18 demonstrates that its rates have been reduced by an amount equal to
19 the amount of the Lifeline payments which have been previously
20 included in the rate structure of the carrier. A carrier shall be
21 eligible for support from the Oklahoma Lifeline Fund for any amount
22 which is greater than the amount which has been previously included
23 in the rate structure of the carrier.

1 E. After the effective date of this act, an eligible
2 telecommunications carrier shall not receive reimbursements from the
3 Oklahoma Lifeline Fund until it provides documentation confirming
4 compliance with federal and state guidelines and rules and
5 establishes an ongoing process for providing documentation to the
6 Corporation Commission demonstrating that the carrier:

7 1. Is collecting and maintaining reliable records regarding the
8 verification of initial and continued eligibility for Lifeline
9 services;

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

13 3. Is in compliance with the Commission and Federal
14 Communications Commission rules and regulations for Lifeline
15 services.

16 F. The Corporation Commission is authorized to adopt all
17 necessary rules to implement the provisions of this section,
18 including the establishment of fines and penalties. A
19 telecommunications carrier may be fined or penalized by the
20 Commission for marketing practices and noncompliance with the phone
21 issuance provisions of the Oklahoma Lifeline Fund program, as the
22 Commission may deem proper after notice and opportunity for hearing.

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

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated 02/25/2013 - DO PASS, As Amended and Coauthored.