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April 4, 2013

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 2165

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

and

Standridge of the Senate

An Act relating to telecommunications; amending 17 O.S. 2011, Section 139.105, which relates to the Oklahoma Lifeline Fund; limiting program eligibility; defining term; prohibiting reimbursements without compliance with certain documentation; stating requirements for obtaining certain consumer information; stating procedures for reimbursement from certain fund; authorizing Corporation Commission to promulgate rules; authorizing assessment of fines for violations; 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 who receives funding from the Oklahoma Lifeline Fund 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~~

1 monthly basic service rate of qualifying customers. Eligibility  
2 criteria for this program shall comply with the provisions of 47  
3 C.F.R., Section 69.104(k)(1) and shall be limited to customers who:

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

7 a. Temporary Assistance to Needy Families,

8 b. Food Stamps,

9 c. Medical Assistance, or

10 d. Supplemental Security Income;

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

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

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

1 telecommunications service providers who are required to file  
2 lifeline tariffs.

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

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

18 E. After the effective date of this act, an eligible  
19 telecommunications carrier shall not receive reimbursements from the  
20 Oklahoma Lifeline Fund until it provides documentation in the  
21 approved format to the Director of the Public Utility Division of  
22 the Oklahoma Corporation Commission confirming its compliance with  
23 federal and state guidelines and rules and establishes an ongoing  
24 process for providing documentation in the approved format to the

1 Director of the Public Utility Division of the Oklahoma Corporation  
2 Commission demonstrating that the eligible telecommunications  
3 carrier:

4 1. Is collecting and maintaining reliable records regarding the  
5 verification of initial and continued eligibility for Lifeline  
6 services; and

7 2. Is in compliance with the Oklahoma Corporation Commission  
8 and Federal Communications Commission rules and regulations for  
9 Lifeline services.

10 F. In order to satisfy the provisions of paragraph 1 of  
11 subsection E of this section, an eligible telecommunications carrier  
12 shall obtain in writing the following information from the customer  
13 seeking Lifeline service:

14 1. The customer's name;

15 2. The last four (4) digits of the customer's Social Security  
16 Number or Tribal Identification Number if the customer does not have  
17 a Social Security Number;

18 3. The customer's date of birth; and

19 4. The customer's billing address.

20 G. Additionally, an eligible telecommunications carrier seeking  
21 reimbursement from the Oklahoma Universal Service Fund for the  
22 provisioning of Lifeline service must obtain a certified statement  
23 in writing from the customer at the time Lifeline services are  
24 initially requested and on an annual basis thereafter that:

1       1. The customer seeking Lifeline services participates in one  
2 of the programs listed in subsection A of this section;

3       2. The telephone service location to which the certification  
4 applies is the customer's primary residential service address rather  
5 than a second home or business;

6       3. If in the future the customer no longer participates in or  
7 qualifies for at least one of the programs listed in subsection A of  
8 this section, the customer will notify the eligible  
9 telecommunications carrier within thirty (30) days;

10       4. The telephone service which is being requested is listed in  
11 the customer's legal name;

12       5. The customer is eighteen (18) years of age or older and is  
13 not claimed as a dependent on another person's tax return; and

14       6. The customer's residence will only receive one (1) Lifeline  
15 service benefit and, to the best of the customer's knowledge is not  
16 already receiving Lifeline service.

17       If the customer seeking Lifeline service does not have a primary  
18 residential address, the eligible telecommunications carrier seeking  
19 reimbursement from the Oklahoma Universal Service Fund for the  
20 provision of Lifeline service must obtain a certified statement in  
21 writing from the customer that the address provided is temporary and  
22 that the customer will recertify his or her temporary address every  
23 ninety (90) days.

1       H. In order to obtain reimbursement from the Oklahoma Universal  
2 Service Fund, the eligible telecommunications carrier must also  
3 obtain a certified statement in writing from the customer, at the  
4 time Lifeline services are initially requested and on an annual  
5 basis thereafter, that the customer has read, understands and  
6 acknowledges the following:

7       1. The eligible telecommunications carrier or its duly  
8 appointed representative has authorization to access any records  
9 required to verify the statements made by the customer in order to  
10 confirm continued participation in any of the programs listed in  
11 subsection A of this section, and authorizes representatives of  
12 those programs to discuss with and/or provide copies to the eligible  
13 telecommunications carrier or its duly appointed representative to  
14 verify the customer's eligibility for and participation in any of  
15 the programs listed in subsection A of this section; and

16       2. The eligible telecommunications carrier is authorized to  
17 transmit to any governmental entity or its designee handling a  
18 Lifeline accountability database, the customer's full name, full  
19 residential address, date of birth, and the last four digits of the  
20 customer's Social Security Number or Tribal Identification Number if  
21 the customer does not have a Social Security Number, the telephone  
22 number associated with the Lifeline service provided, the date on  
23 which Lifeline service will or has begun, the date on which the  
24 Lifeline service ends, the amount of support sought by the company

1 and the means through which one qualifies for program benefits. The  
2 customer must also acknowledge that transmission of this information  
3 is required to ensure the proper administration of the Lifeline  
4 program and that if the customer refuses to have this information  
5 transmitted to the administrator, he or she will be denied Lifeline  
6 service; and

7 3. The eligible telecommunications carrier seeking  
8 reimbursement from the Oklahoma Universal Service Fund for the  
9 provisioning of Lifeline services shall also note on the certified  
10 written statement obtained from the customer the name of the  
11 employee or representative who verified the customer's eligibility  
12 for Lifeline service and the type of documentation reviewed.

13 I. The Corporation Commission is authorized to promulgate rules  
14 necessary to implement the provisions of this section, including the  
15 establishment of fines of up to Ten Thousand Dollars (\$10,000.00)  
16 per day per violation. A telecommunications carrier may be fined by  
17 the Oklahoma Corporation Commission for marketing practices  
18 determined by an administrative law judge to be in violation of the  
19 Oklahoma Corporation Commission's rules and noncompliance with other  
20 provisions of the Oklahoma Lifeline Fund program rules, as the  
21 Oklahoma Corporation Commission may deem proper after notice and  
22 opportunity for hearing.

23 SECTION 2. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON ENERGY  
4 April 4, 2013 - DO PASS AS AMENDED  
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