

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 2165

By: Echols

AS INTRODUCED

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

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

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

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

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

23 C. The Oklahoma Lifeline Fund charges shall be levied,
24 collected, and administered pursuant to Section 139.107 of this

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

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

14 E. After the effective date of this act, an eligible
15 telecommunications carrier shall not receive reimbursements from the
16 Oklahoma Lifeline Fund until it provides documentation for existing
17 customers and establishes an ongoing process for providing
18 documentation to the Corporation Commission demonstrating that the
19 carrier:

20 1. Is collecting and maintaining reliable records regarding the
21 verification of initial and continued eligibility for Lifeline
22 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 SECTION 2. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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12 54-1-5442 KB 01/11/13
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