

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 881

By: Paxton

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to Corporation Commission; amending
9 17 O.S. 2011, Sections 131 and 132, which relate to
10 certificate of convenience and necessity and notice;
11 modifying entities required to be notified; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 17 O.S. 2011, Section 131, is
15 amended to read as follows:

16 Section 131. A. No person, firm, association, corporation or
17 cooperative shall provide telecommunications services, as defined by
18 the rules of the Corporation Commission, to any end-user in this
19 state without having first obtained from the Corporation Commission
20 a Certificate of Convenience and Necessity. This section shall not
21 be construed to require any incumbent exchange carrier to secure
22 such a certificate for any extension within or to any territory
23 already served by it or for any extension into a territory
24 contiguous to a territory already served by it on which it has

1 heretofore filed with the Commission an exchange area map showing
2 the territory professed to be served by such incumbent exchange
3 carrier.

4 B. Prior to obtaining a Certificate of Convenience and
5 Necessity, each provider of telecommunications services, as defined
6 by the rules of the Commission, making application for such
7 Certificate shall be required to demonstrate its financial,
8 managerial, and technical ability to provide the requested
9 telecommunications services in this state. Before commencing to
10 provide local exchange telecommunications services in any service
11 area, a new provider shall give notice by mail or personal service
12 to each regional council, as defined in the Local and Regional
13 Capital Improvement Planning Process Act, in whose district any
14 portion of the provider's intended service area lies and provide
15 actual notice by mail or personal service to all political
16 subdivisions with jurisdictional boundaries that include all or
17 portions of the service area outlined in the application for the
18 Certificate of Convenience and Necessity. The notice shall confirm
19 that the provider is a local exchange telephone company as defined
20 in the Nine-One-One Emergency Number Act, and shall attest that the
21 provider shall make emergency telephone services available to its
22 customers in accordance with the Nine-One-One Emergency Number Act.
23 The new provider shall also forward a copy of the notice to the
24 Corporation Commission. The regional council shall, within fifteen

1 (15) days of receipt of the notice, forward the notice by mail to
2 the chief executive officer of every governing body located in the
3 regional council district that has responsibility for operation of
4 an emergency telephone system serving any part of the provider's
5 intended service area.

6 C. Any corporation, firm, or person who fails to provide notice
7 as required pursuant to the provisions of subsection B of this
8 section may be fined by the Commission a sum of up to Five Hundred
9 Dollars (\$500.00) as the Commission may deem proper after notice and
10 opportunity for hearing. Each day's continuance of such violation,
11 after due service upon such corporation, firm, or person, of the
12 requirement shall be a separate offense.

13 SECTION 2. AMENDATORY 17 O.S. 2011, Section 132, is
14 amended to read as follows:

15 Section 132. The application for a Certificate of Convenience
16 and Necessity pursuant to Section 131 of this title shall be under
17 such rules as the Corporation Commission may, from time to time,
18 prescribe. Upon receipt of any such application for such
19 certificate, the Commission shall cause notice thereof to be
20 published once a week for two (2) consecutive weeks in some
21 newspaper of general circulation in each territory affected, and
22 provide actual notice by mail or personal service to all political
23 subdivisions with jurisdictional boundaries that include all or
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portions of the service area outlined in the application for the
Certificate of Convenience and Necessity.

SECTION 3. This act shall become effective November 1, 2019.

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