

An Act

ENROLLED SENATE
BILL NO. 881

By: Paxton of the Senate

and

Boles and Hill of the House

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

SUBJECT: Corporation Commission documentation

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

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

Section 131. A. No person, firm, association, corporation or cooperative shall provide telecommunications services, as defined by the rules of the Corporation Commission, to any end-user in this state without having first obtained from the Corporation Commission a Certificate of Convenience and Necessity. This section shall not be construed to require any incumbent exchange carrier to secure such a certificate for any extension within or to any territory already served by it or for any extension into a territory contiguous to a territory already served by it on which it has heretofore filed with the Commission an exchange area map showing the territory professed to be served by such incumbent exchange carrier.

B. Prior to obtaining a Certificate of Convenience and Necessity, each provider of telecommunications services, as defined

by the rules of the Commission, making application for such Certificate shall be required to demonstrate its financial, managerial, and technical ability to provide the requested telecommunications services in this state. Before commencing to provide local exchange telecommunications services in any service area, a new provider shall give notice by mail or personal service to each regional council, as defined in the Local and Regional Capital Improvement Planning Process Act, in whose district any portion of the provider's intended service area lies and provide actual notice by mail or personal service to all political subdivisions with jurisdictional boundaries that include all or portions of the service area outlined in the application for the Certificate of Convenience and Necessity. The notice shall confirm that the provider is a local exchange telephone company as defined in the Nine-One-One Emergency Number Act, and shall attest that the provider shall make emergency telephone services available to its customers in accordance with the Nine-One-One Emergency Number Act. The new provider shall also forward a copy of the notice to the Corporation Commission. The regional council shall, within fifteen (15) days of receipt of the notice, forward the notice by mail to the chief executive officer of every governing body located in the regional council district that has responsibility for operation of an emergency telephone system serving any part of the provider's intended service area.

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

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

Section 132. The application for a Certificate of Convenience and Necessity pursuant to Section 131 of this title shall be under such rules as the Corporation Commission may, from time to time, prescribe. Upon receipt of any such application for such certificate, the Commission shall cause notice thereof to be published once a week for two (2) consecutive weeks in some

newspaper of general circulation in each territory affected, and provide actual notice by mail or personal service to all political subdivisions with jurisdictional boundaries that include all or 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.

Passed the Senate the 20th day of February, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____