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February 14, 2019

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 881

By: Paxton

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.

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

1 the territory professed to be served by such incumbent exchange
2 carrier.

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

1 the chief executive officer of every governing body located in the
2 regional council district that has responsibility for operation of
3 an emergency telephone system serving any part of the provider's
4 intended service area.

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON ENERGY
February 14, 2019 - DO PASS AS AMENDED