

1 STATE OF OKLAHOMA

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

3 SENATE BILL NO. 881

By: Paxton

6 AS INTRODUCED

7 An Act relating to Corporation Commission; amending
8 17 O.S. 2011, Sections 131 and 132, which relate to
9 certificate of convenience and necessity and notice;
10 modifying entities required to be notified; amending
11 63 O.S. 2011, Section 142.5, which relates to
12 excavations prohibited near certain facilities;
13 establishing requirements for certain excavation;
14 declaring certain persons in violation of Underground
15 Facilities Damage Prevention Act; and providing an
16 effective date.

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

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

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

1 contiguous to a territory already served by it on which it has
2 heretofore filed with the Commission an exchange area map showing
3 the territory professed to be served by such incumbent exchange
4 carrier.

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

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

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

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

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

1 portions of the service area outlined in the application for the
2 Certificate of Convenience and Necessity.

3 SECTION 3. AMENDATORY 63 O.S. 2011, Section 142.5, is
4 amended to read as follows:

5 Section 142.5. A. No excavator shall demolish a structure,
6 discharge an explosive or commence to excavate in a highway, street,
7 alley or other public ground or way, a private easement, or on or
8 near the location of the facilities of an operator without first
9 complying with the requirements of the Underground Facilities Damage
10 Prevention Act and the Oklahoma Explosives and Blasting Regulation
11 Act.

12 B. Prior to any excavator engaging in any of the acts outlined
13 in subsection A of this section that are located within an easement
14 or right-of-way owned or maintained by a political subdivision, he
15 or she must have:

16 1. Obtained authorization in writing from any relevant
17 political subdivision; and

18 2. Provided notice to any relevant political subdivision,
19 pursuant to Section 1 of this act.

20 C. Any excavator failing to comply with subsection B of this
21 section shall be in violation of the Underground Facilities Damage
22 Prevention Act and liable for the damage, repairs and losses
23 resulting from the damage to underground facilities, pursuant to
24 Section 142.13 of this title.

SECTION 4. This act shall become effective November 1, 2019.

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