

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 3835

By: Martinez

COMMITTEE SUBSTITUTE

An Act relating to the Corporation Commission;  
creating the Facilitating Internet Broadband Rural  
Expansion (FIBRE) Act; prohibiting certain  
subsidization by rural electric cooperatives;  
establishing duties of certain cooperatives;  
prohibiting cooperatives from providing certain  
service without authorization; providing for  
noncodification; providing for codification; and  
providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Facilitating  
Internet Broadband Rural Expansion (FIBRE) Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 158.65 of Title 17, unless there  
is created a duplication in numbering, reads as follows:

A. No cross-subsidization shall be permitted between a rural  
electric cooperative electricity services and the provision or

1 operation of emerging communications technologies by such rural  
2 electric cooperative or through an affiliate of such rural electric  
3 cooperative.

4 B. Any rural electric cooperative that provides or operates  
5 telecommunications or Internet services shall:

6 1. Ensure that cross-subsidizations do not occur between the  
7 electricity services of a rural electric cooperative and the  
8 telecommunications or Internet services it provides;

9 2. Fully allocate all electricity activities costs or  
10 telecommunications or Internet services activities costs including  
11 costs for any shared services, between the rural electric  
12 cooperative electricity activities and the telecommunications or  
13 Internet services activities of the rural electric cooperative, in  
14 accordance with the applicable uniform system of accounts and  
15 generally accepted accounting principles that are applicable to  
16 rural electric cooperatives under either federal or state laws,  
17 rules, or regulations;

18 3. Not charge any costs of the rural electric cooperative's  
19 electricity activities to the telecommunications or Internet  
20 services customers of such rural electric cooperative;

21 4. Not charge any costs of the telecommunications or Internet  
22 services activities of the rural electric cooperative to the rural  
23 electric cooperative's electricity activities;

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1        5. For the protection and privacy of customer information, not  
2 release any proprietary customer information about any  
3 telecommunications or Internet services customers of the rural  
4 electric cooperative to its electricity division, affiliate, or  
5 subsidiary without obtaining prior verifiable authorization from  
6 such customers;

7        6. Ensure that any rates and fees charged by such rural  
8 electric cooperative for attachments to utility poles by  
9 communications services providers shall be nondiscriminatory  
10 regardless of the services provided by the communications services  
11 provider and shall not exceed the annual recurring rate permitted  
12 under rules and regulations adopted pursuant to 47 U.S.C., Section  
13 224(d) by the Federal Communications Commission, as such existed on  
14 January 1, 2022, and any regulations and Federal Communications  
15 Commission decisions promulgated thereunder;

16        7. Establish nondiscriminatory, competitively neutral, and  
17 commercially reasonable terms and conditions for attachments to  
18 utility poles by any provider of telecommunications or Internet  
19 services, which terms and conditions shall comply with the federal  
20 pole attachment requirements provided in 47 U.S.C., Section 224, as  
21 such existed on January 1, 2022, and any regulations and Federal  
22 Communications Commission decisions promulgated thereunder; and

23        8. Not require compliance by a provider of telecommunications  
24 or Internet services with utility pole attachment specifications

1 that exceed the specifications in the National Electrical Safety  
2 Code, applicable fire safety codes, and any building code or similar  
3 code of general applicability for the protection of the public  
4 health, safety, or welfare that was adopted by the applicable local  
5 government jurisdiction prior to the filing of a utility pole  
6 attachment application.

7 SECTION 3. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 158.66 of Title 17, unless there  
9 is created a duplication in numbering, reads as follows:

10 No rural electric cooperative may provide cable television or  
11 video service to any incorporated city or town without first  
12 obtaining a franchise from the city or town.

13 SECTION 4. This act shall become effective November 1, 2022.

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