

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3835

By: Martinez and **Newton**

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8 COMMITTEE SUBSTITUTE

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

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

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

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

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

1 A. No cross-subsidization shall be permitted between a rural
2 electric cooperative electricity services and the provision or
3 operation of emerging communications technologies by such rural
4 electric cooperative or through an affiliate of such rural electric
5 cooperative.

6 B. Any rural electric cooperative that provides or operates
7 telecommunications or Internet services shall:

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

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

20 3. Not charge any costs of the rural electric cooperative's
21 electricity activities to the telecommunications or Internet
22 services customers of such rural electric cooperative;
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1 4. Not charge any costs of the telecommunications or Internet
2 services activities of the rural electric cooperative to the rural
3 electric cooperative's electricity activities;

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

10 6. Ensure that any rates and fees charged by such rural
11 electric cooperative for attachments to utility poles by
12 communications services providers shall be nondiscriminatory
13 regardless of the services provided by the communications services
14 provider and shall not exceed the annual recurring rate permitted
15 under rules and regulations adopted pursuant to 47 U.S.C., Section
16 224(d) by the Federal Communications Commission, as such existed on
17 January 1, 2022, and any regulations and Federal Communications
18 Commission decisions promulgated thereunder;

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

3 8. Not require compliance by a provider of telecommunications
4 or Internet services with utility pole attachment specifications
5 that exceed the specifications in the National Electrical Safety
6 Code, applicable fire safety codes, and any building code or similar
7 code of general applicability for the protection of the public
8 health, safety, or welfare that was adopted by the applicable local
9 government jurisdiction prior to the filing of a utility pole
10 attachment application.

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

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/03/2022 - DO PASS,
20 As Amended and Coauthored.
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