

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2360

By: Boles of the House

and

**Paxton** of the Senate

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to the Corporation Commission;  
12                   amending 17 O.S. 2021, Sections 131 and 132, which  
13                   relate to certificates of convenience and necessity,  
14                   rules and regulations and notice; requiring certain  
15                   attestation; modifying means of service for certain  
16                   notice; modifying entities to receive certain notice;  
17                   modifying timing and entity to file certain notice;  
18                   and declaring an emergency.

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

20                   SECTION 1.           AMENDATORY           17 O.S. 2021, Section 131, is  
21 amended to read as follows:

22                   Section 131. A. No person, firm, association, corporation or  
23 cooperative shall provide telecommunications services, as defined by  
24 the rules of the Corporation Commission, to any end-user in this  
state without having first obtained from the Corporation Commission

1 a Certificate of Convenience and Necessity. This section shall not  
2 be construed to require any incumbent exchange carrier to secure  
3 such a ~~certificate~~ Certificate for any extension within or to any  
4 territory already served by it or for any extension into a territory  
5 contiguous to a territory already served by it on which it has  
6 heretofore filed with the Commission an exchange area map showing  
7 the territory professed to be served by such incumbent exchange  
8 carrier.

9 B. Prior to obtaining a Certificate of Convenience and  
10 Necessity, each provider of telecommunications services, as defined  
11 by the rules of the Commission, making application for such  
12 Certificate shall be required to demonstrate its financial,  
13 managerial, and technical ability to provide the requested  
14 telecommunications services in this state, and attest that it will  
15 comply with all applicable rules and orders of the Corporation  
16 Commission, federal, state, and local government laws. Before  
17 commencing to provide local exchange telecommunications services in  
18 any service area, a new provider shall give notice by mail or  
19 ~~personal service~~ electronic mail to each regional council, as  
20 defined in the Local and Regional Capital Improvement Planning  
21 Process Act, in whose district any portion of the provider's  
22 intended service area lies ~~and provide actual notice by mail or~~  
23 ~~personal service to all political subdivisions with jurisdictional~~  
24 ~~boundaries that include all or portions of the service area outlined~~

1 ~~in the application for the Certificate of Convenience and Necessity.~~  
2 The notice shall confirm that the provider is a local exchange  
3 telephone company as defined in the Nine-One-One Emergency Number  
4 Act, and shall attest that the provider shall make emergency  
5 telephone services available to its customers in accordance with the  
6 Nine-One-One Emergency Number Act. The new provider shall also  
7 forward a copy of the notice to the Corporation Commission. The  
8 regional council shall, within fifteen (15) days of receipt of the  
9 notice, forward the notice by mail to the chief executive officer of  
10 every governing body located in the regional council district that  
11 has responsibility for operation of an emergency telephone system  
12 serving any part of the provider's intended service area.

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

20 SECTION 2. AMENDATORY 17 O.S. 2021, Section 132, is  
21 amended to read as follows:

22 Section 132. The application for a Certificate of Convenience  
23 and Necessity pursuant to Section 131 of this title shall be under  
24 such rules as the Corporation Commission may, from time to time,

1 prescribe. Upon ~~receipt~~ the filing of any such application for such  
2 certificate, the ~~Commission~~ applicant shall cause notice thereof to  
3 be published once a week for two (2) consecutive weeks in some  
4 newspaper of general circulation in each territory affected, ~~and~~  
5 ~~provide actual notice by mail or personal service to all political~~  
6 ~~subdivisions with jurisdictional boundaries that include all or~~  
7 ~~portions of the service area outlined in the application for the~~  
8 ~~Certificate of Convenience and Necessity.~~ In addition, the  
9 applicant shall provide notice by mail or electronic mail of such  
10 application or application for an expanded service territory to  
11 municipalities, cities, and towns, as defined in Section 1-102 of  
12 Title 11 of the Oklahoma Statutes, located within the initial or  
13 expanded service territory requested in its application that have  
14 registered with the Public Utility Division of the Oklahoma  
15 Corporation Commission for receipt of such notice.

16 SECTION 3. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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21 COMMITTEE REPORT BY: COMMITTEE ON UTILITIES, dated 02/16/2023 - DO  
22 PASS, As Amended and Coauthored.

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